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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined third and fourth periodic reports of States parties*†

Guatemala

* For the combined initial and second period reports submitted by the Government of Guatemala, see CEDAW/C/GUA/1-2 and CEDAW/C/GUA/1-2/Amend.1, which were considered by the Committee at its thirteenth session.

† The annexes submitted with the present report are on file with the Secretariat, where they may be consulted.

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Combined third and fourth periodic reports of Guatemala on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

Introduction

The national and international campaign to ensure the genuine recognition of women's human rights is a very exciting task on which the Government of Guatemala has been working with the active involvement of the various Guatemalan women's organizations, which, through a series of joint actions, are building on and making tangible the progress achieved by women in securing the promotion, defence and protection of their rights.

Throughout Guatemala's history, women have been actively involved in the country's socio-economic development, despite the entrenched patriarchal attitudes that persist in countries like Guatemala.

This report, which covers the period from 1992 to 1998, highlights the principal actions taken to fulfil the commitments made in the Convention on the Elimination of All Forms of Discrimination against Women.

The report explains at length the legislative and administrative measures taken to ensure gender equality in both public and private life, namely, in the labour, economic, social and cultural areas of women's lives as active participants in Guatemala's development.

It is important to mention that, although human rights activists working in both governmental and non-governmental organizations have been making concerted efforts to uphold women's human rights, there are constraints that prevent the implementation of practical measures to ensure women's comprehensive, full development. Guatemalan women's organizations have presented legislative proposals to members of the Congress of the Republic with a view to the adoption of legislative amendments that incorporate concepts and mechanisms sensitive to women's interests, so that norms deriving from the various international instruments can be harmoniously incorporated into Guatemala's domestic law and administrative practice.

This report was prepared essentially on the basis of an analysis of studies and research carried out by governmental institutions and non-governmental organizations working on women's issues. We wish to acknowledge here their efforts, their contribution, their teamwork and the support that they have given to the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH), thereby enabling it to produce this report.

General overview

Population

Guatemala occupies an area of 108,889 square kilometres divided into 22 departments and 330 municipalities. It has an estimated population growth rate of

2.9 per cent, with significant variations among departments, the highest rate being observed in areas inhabited by the indigenous population.

In the latest population census conducted by the National Statistical Institute (INE), Guatemala had a population of 8,331,874 inhabitants, of whom 4,103,569, or 49.3 per cent, were men and 4,228,305, or 50.7 per cent, were women.

According to the census, the rural population numbered 5,417,187 inhabitants, or 65 per cent of the total, while the urban population numbered 2,914,687, or 35 per cent. Women accounted for 50 per cent (2,706,283) of the rural population and 52 per cent (1,522,022) of the urban population.

Guatemalan society is multi-ethnic, multicultural and multilingual. It is made up of Maya, *ladinos*, Garifuna and Xinca. INE classifies 42.8 per cent (3,476,684) of the population as indigenous and 57.2 per cent (4,637,380) as non-indigenous.

Children under the age of 14 years accounted for 44 per cent of the population, and 65 per cent of the population were aged under 24 years. Life expectancy was 60 years.

With regard to marital status, 1,869,801 Guatemalans, or 35 per cent, were married; 1,095,331, or 20.5 per cent, were in de facto unions; 1.6 per cent were divorced; 4.4 per cent were widowed; and 38.5 per cent were single.

Currently, Guatemala has a population of roughly 10,029,714 and a population density of 92 inhabitants per square kilometre. Sixty per cent of the population live in rural areas, in 20,017 localities of which 87 per cent have under 1,000 inhabitants. Children under the age of 15 make up 45 per cent of the population and only 3.3 per cent of the population are aged over 65. Women account for 49.4 per cent of the total population and a little under half of them are of child-bearing age. The indigenous population accounts for 41.9 per cent of the total population and is made up of over 21 linguistic groups, the main ones being K'iché, Kaqchikel, Q'eqchi and Mam.

Socio-economic situation

According to INE, in 1995 2.2 per cent of landowners owned 66 per cent of cultivable land. In 1996, the official currency, the quetzal, was valued at 6.09 quetzales to 1 US dollar.

In 1966, the gross domestic product (GDP) was US$ 15,630.1 million and the external debt was US$ 1,525.9 million; the annual rate of inflation was 10.9 per cent. That same year, the economically active population totalled 3.2 million persons, of whom 158,200, or 4.9 per cent, were unemployed.

The number of children between the ages of 10 and 17 who were economically active was 447,886, of whom 44 per cent were aged 10 to 14 and 66 per cent were aged 15 to 17. According to INE, in 1995, per capita income was 906.43 quetzales per month and the cost of the basic basket for a family of five was 2,500 quetzales per month; the trade balance was US$ 933 million in 1996.

Political situation

During the period from 1991 to 1997, there were important developments in Guatemala in which women played an active role in many areas of social and political life. In 1991, women were already occupying political decision-making posts and a democratically elected President took office at the head of the country's second civilian Government after 16 military Governments. During his tenure, policies were adopted for the integration of women in society as subjects of law. The Congress of the Republic, through Decree No. 64-92, drafted amendments to the Labour Code that confirmed the equality of men and women embodied in the Constitution by giving women a number of rights that included equal access to work.

This process was interrupted on 25 May 1993, when President Jorge Serrano Elías issued Presidential Decree No. 1-93 suspending more than 40 articles of the Constitution, dissolved the Congress of the Republic and stripped the judges of the Supreme Court and the Constitutional Court of their office, in a coup d'état that concluded with the breakdown of the democratically established legal and political system. The constitutional and political crisis triggered by Presidential Decree No. 1-93, entitled "Temporary governmental legislation" tested the strength of the dissolved institutions, and the mechanisms put in place for resolving the issue of presidential succession proved their worth.

The Constitutional Court issued a ruling declaring Decree No. 1-93 unconstitutional and unlawful, since it violated the Constitution, and ruled it to be absolutely null and void. When the President of the Republic refused to accept the ruling, the Constitutional Court issued an executive decision ordering the armed forces to enforce it. The armed forces obeyed and the President of the Republic was forced to resign. By virtue of article 186 of the Constitution, the Vice-President was barred from succeeding him.

According to article 189 of the Constitution, in the event of permanent absence of the President and Vice-President of the Republic, the remainder of their term shall be served by persons appointed by majority vote of two thirds of the total membership of the Congress of the Republic. The Congress chose Ramiro de León Carpio, who had until then been serving as Human Rights Procurator, to serve as President and Arturo Herbruger Asturias to serve as Vice-President.

The Guatemalan people displayed a considerable degree of civic responsibility in ensuring the peaceful restoration of constitutional government, reflected in unity among the national press, the country's universities, the Catholic Church, business, popular and trade union organizations, schoolteachers, students and professionals and the successful functioning of the institutions responsible for protecting the constitutional system.

The negotiating process between the Unidad Revolucionaria Nacional Guatemalteca (URNG) and the Government of Guatemala began with the Esquipulas Declaration of 25 May 1986, adopted during the democratic Government of Vinicio Cerezo. As part of the search for regional peace and development pursuant to the 7 August 1987 Procedure for the establishment of a firm and lasting peace in Central America, the Guatemalan peace process was launched through the signing of the Basic Agreement on the Search for Peace by Political Means.

In 1993, a Permanent Forum for Peace was created to discuss the substantive agenda for the peace negotiations and in May 1994 an Assembly of Civil Society grouped by social sector was set up for the resumption of the negotiating process. Women began to get involved, particularly in the trade union and popular sectors, but it was difficult to make the other sectors of society recognize the existence of women's organizations. As the negotiating process advanced, however, this obstacle was overcome and women succeeded in having their needs taken into account in the Peace Agreements. This was a milestone for women's involvement in solving the nation's problems, based on their own particular perspective and on recognition of their right to participate in the development of Guatemalan society.

On 26 December 1996, under the Government of President Alvaro Arzú, the armed conflict which had been devastating Guatemalan society for over 35 years finally came to an end with the signing of the Agreement on a Firm and Lasting Peace, paving the way for fulfilment of the commitments contained in the Peace Agreements.

The Peace Agreements contain commitments made by the Government with regard to the comprehensive development of Guatemalan women. This requires the planning and execution of public policies with a gender perspective.

Part I

Article 1
Applicability of the definition of discrimination contained in the Convention

According to the members of the National Constituent Assembly who drafted Guatemala's Constitution in 1985, the Constitution is humanist in intent, since its principal concern is the protection of the human person. This concern is evident from the outset, for the preamble affirms the pre-eminence of the human person as the subject and purpose of the social order and recognizes the family as the source of society's spiritual and moral values and the State as the entity responsible for promoting the common good. Article 4 recognizes the right of human beings to freedom and equality.

Guatemalan historians acknowledge the incorporation of human rights into our legal system during the various stages of Guatemala's social and political development, but enforcing women's right to equality with men has proved an uphill task because of the sexist stereotypes that exist in our society.

Article 2
Administrative and legislative measures to protect women against discrimination

The Guatemalan State has been taking action to eradicate discrimination against women within society. As soon as it was ratified, the Convention became part of Guatemala's domestic law. Article 46 of the Constitution stipulates that, in human rights matters, treaties and conventions take precedence over the

Constitution, with the result that the definition of discrimination contained in the Convention can be invoked before the corresponding judicial organs. Also, article 4 of the Constitution recognizes equality among human beings. Thus, Guatemala is thus committed both nationally and internationally to enforcing the articles of the Convention.

Articles 273 to 275 of the Constitution establish that the public entity responsible for upholding the constitutional order is the Congressional Human Rights Committee and that the Human Rights Procurator is responsible for the promotion, verification and protection of universal human rights.

Congressional Decree No. 54-86, as amended by Congressional Decree No. 32-87, stipulates the functions of the Congressional Human Rights Committee and the Human Rights Procurator with a view to the proper application and monitoring of the human rights guaranteed by the Constitution. The functions and powers of the Human Rights Procurator include the following:

Article 13 of Decree No. 32-87. Functions and powers. "The basic functions and powers of the Procurator shall be:

(a) To ensure that the administration deals with people efficiently and expeditiously;

(b) To investigate and report administrative conduct that is detrimental to people's interests;

(c) To investigate complaints of any kind lodged by any person concerning human rights violations;

(d) To recommend privately or publicly to government officials that an administrative conduct to which objections have been made should be modified;

(e) To condemn publicly acts or conduct that violate institutional rights;

(f) To promote judicial or administrative proceedings or remedies in cases where this is appropriate;

(g) To carry out such other functions and powers as are assigned to him under this Decree".

The Human Rights Procurator is legally mandated to deal with cases of alleged human rights violations throughout the national territory. The rights protected are the individual, social, civic and political rights included in title II of the Constitution and those contained in international treaties or conventions accepted and ratified by Guatemala.

The organizational structure of the Office of the Human Rights Procurator includes an Office for the Defence of Women's Human Rights, which was set up by the Procurator to protect, defend and promote the human rights of Guatemalan women.

The Office for the Defence of Women's Human Rights works in five areas:

1. Education and training;
2. Assistance to women victims of violence and aggression;
3. Economic and social rights;

4. Strengthening of suboffices in the country's various departments;

5. Legal and social issues.

Guatemala's domestic legislation also regulates the means of enforcing the rights embodied in the Constitution, by giving judicial organs jurisdiction through the remedies of *amparo* and habeas corpus and by providing for actions against unconstitutionality.

By Governmental Agreement No. 356-96 of 6 September 1996, the First Lady's Social Work Secretariat (SOSEP) set up the Programme for the Advancement of Rural Women, which is receiving support from the United Nations Children's Fund (UNICEF), governmental institutions and non-governmental organizations for activities in the areas of health, education, basic services and income generation, as well as technical and financial support for improving the socio-economic situation of rural women and their families living in poverty and extreme poverty.

In 1991, the National Office for Women's Affairs (ONAM) drafted the first proposals for amending the Civil Code, the Penal Code and the Labour Code. These amendments were submitted to the Congressional Committee on Women. In September 1992, the Labour Code was amended by Congressional Decree No. 64-92. The amendments included increasing the period of postpartum maternity leave from 45 to 54 days; entitling women who adopt a child to take postpartum maternity leave in order to develop a bond with the child; and computing the period of entitlement to breastfeeding breaks from the date of the mother's return to work rather than the date of childbirth.

In 1994, in accordance with Decree No. 69-94, the Guatemalan State ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Domestic Violence, or Convention of Belem do Pará. Violence was recognized to be a social problem caused by the unequal relations that exist between men and women in the social, economic, legal, political and cultural spheres. Pursuant to the Convention, Guatemala adopted legislation designed to reduce and eradicate domestic violence, namely, Congressional Decree No. 97-96 containing the Act on the Prevention, Punishment and Eradication of Domestic Violence. The Act establishes mechanisms making the protection of victims of domestic violence operational, thereby eliminating discrimination against women in law courts and administrative organs.

On 10 December 1995, a group of Guatemalan women, advised by the Human Rights Legal Action Centre (CALDH) and guided and assisted by legal professionals, invoked article 46 of the Constitution and the international conventions ratified by Guatemala to file an action of unconstitutionality with the Constitutional Court against articles 232 to 235 of the Penal Code. Those articles typified the crime of adultery as an offence only when it was committed by women, thereby violating the principles of equality embodied in the Constitution.

The ruling handed down by the Constitutional Court on 7 March 1996 considered the primacy of the Constitution to be the cornerstone of the country's legal and political system. Contrasting article 232 of the Penal Code with the Constitution, in which the right to equality is fully recognized, the Court ruled that article 232 discriminated against married women on grounds of their sex, since the same acts committed in the same circumstances by a man did not constitute the offence of adultery, meaning that gender had a direct, unequivocal bearing on

whether or not the acts in question were considered to constitute such an offence. By making conjugal infidelity an offence only when it was committed by the wife, the Penal Code was treating identical acts differently. The difference established by lawmakers in dealing with the same factual situation was unreasonable and there was no justification for including such acts among offences against the institutions of the family and marriage. If the purpose was to protect those institutions, the Penal Code would have punished equally infidelity committed by either spouse. The discriminatory articles of the Penal Code conflicted with article 4 of the Constitution and so the Court felt that they had no place in Guatemala's legislation. It therefore ruled that articles 232, 233, 234 and 235 of the Penal Code promulgated by Congressional Decree No. 17-73 were unconstitutional.

To comply with the Convention on the Elimination of All Forms of Discrimination against Women as regards ensuring women's equal rights with men in the area of education, Governmental Agreement No. 711-93 of 3 December 1993 set up an inter-agency commission consisting of representatives of the National Office for Women's Affairs, the National Council on Education, the Human Resources Development and Curriculum Reform Scheme, the National Textbook and Teaching Materials Centre, the Office of Rural Socio-Educational Development and non-governmental organizations to take the necessary action to eliminate from textbooks stereotypes of men's and women's roles in society.

On 18 November 1996, with the sponsorship of the Netherlands cooperation agency, the Swedish cooperation agency, the United Nations Development Fund for Women (UNIFEM) and the United Nations Development Programme (UNDP), the National Office for Women's Affairs launched a project to provide technical and political support to the lobby on legal reforms relating to women, known as the "Women and Legal Reforms" lobby, which had been set up in response to the need to support the Office's own efforts to propose legislation that would reduce the inequalities in Guatemala's laws that discriminate against women. The main proposals currently under discussion in the corresponding legislative committees concern, inter alia:

(a) The Act establishing the National Institute for Women;

(b) The Civil Code;

(c) The Penal Code;

(d) The Labour Code;

(e) The Health Code;

(f) The State Pensioners Act;

(g) The Elections and Political Parties Act;

(h) The Act organizing the Guatemalan Social Security Institute;

(i) The Diplomatic Service Act;

(j) The Education Act.

Non-governmental organizations have drafted and submitted to the legislative branch legislative proposals such as the following:

(a) Act Enhancing and Advancing the Status of Women and the Family;

(b) Amendments to the Elections and Political Parties Act.

With regard to the commitments made in the Peace Agreements, particularly the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, the Commission on the Strengthening of the Justice System was established by Governmental Agreement No. 221-97 of 19 March 1997. Its mandate was to produce, by means of a broad debate on the system of justice, a report and a set of recommendations. The Commission had 12 members, who acted in their individual capacity as citizens rather than as representatives of a particular sector or institution, and it was not paid for its work. The thematic areas on which it focused its analysis and recommendations were:

- Modernization;
- Access to justice;
- Streamlining of judicial proceedings;
- Professional excellence.

On 26 May 1998, the Commission presented its report and its recommendations for constitutional amendments relating to the administration of justice. Its recommendations included the following:

Modernization of justice:

- Strengthen institutional planning bodies responsible for information-gathering and forward planning;
- Develop proper administrative systems, for instance, redesign the procurement system, financial procedures and property recording;
- Decentralize services in the country's interior.

Access to justice:

- Alternative dispute settlement mechanisms must not, by virtue of the terms on which they are offered to the public, amount to a privatized system of justice that is available only to those who can pay for it. Rather, access to such mechanisms must be truly universal;
- The judiciary must promote compliance with the legal provisions giving judges responsibility for promoting conciliation between the parties according to specific procedures. The judiciary's action must be supported by activities to train judges in conciliation techniques;
- The Commission reiterated the principle that the Constitution must recognize the existence of customary partners. Such recognition affords an opportunity for the administration of justice to acknowledge the country's multicultural, multi-ethnic nature and thereby acquire a social legitimacy that it unfortunately lacks at present.

Streamlining of judicial proceedings:

- In non-criminal matters, the law should limit procedural documentation to the initial stage of the proceedings, the sole object being to have the parties identify the facts in dispute, clarify the issues that will constitute the procedural record and establish their claims for the hearing;

- The hearing should be the key, final stage of the proceedings. In this mandatory phase, the judge must first try to reconcile the parties. If that fails, a second phase would follow in which evidence would be produced, allegations would be made and, lastly, the judge would pass sentence;
- The judge's presence at the proceedings should be mandatory;
- A single proceeding should be instituted for the settlement of disputes that are similar in nature;
- Efforts should be made to limit the abuse of legal challenges;
- In criminal matters, judges should be held responsible for discharging their unavoidable mandate to receive the accused's statement by issuing a warrant as required by law;
- Judges and magistrates should be punished if, without justification, they transfer decisions that should be issued at the hearing and instead issue them in writing, invoking the Act governing the judiciary.

Professional excellence:

- The Career Judicial Service Act must provide proper guarantees to ensure that members of the judiciary meet standards of professional excellence and independence in the performance of their functions;
- One basic objective of the career judicial service is to ensure that members of the judiciary are of the highest possible professional calibre. Accordingly, the selection process for all levels of judge and magistrate must be based on the objectively and transparently determined merits of the candidate. The act of appointing a judge or magistrate must be the culmination of this open, public selection process. In the case of Supreme Court judges, the appointment must be made by the Congress of the Republic;
- The career judicial service must incorporate systems for the in-service training and ongoing evaluation of judges and magistrates to ensure that quality in the performance of their functions is maintained.

On 12 November 1997, the National Women's Forum was established, with the participation of all the most representative governmental and non-governmental women's organizations in the country, to promote and propose actions to comply with the commitments relating to women contained in the Peace Agreements, as well as with the international treaties and conventions on this subject to which Guatemala is a party. The Forum's work is focused on four thematic areas:

(a) Development of production projects;

(b) Social development;

(c) Civic and political participation;

(d) Legislative reforms.

On 12 and 13 November 1998, the Women's Forum analysed the proposals put forward by women for promoting the economic and social development of Guatemalan women. Delegates from the country's various linguistic regions took part in this process.

In August 1996, the Coordinating Office of Organizations of the Maya People of Guatemala (Saqb'ichi COPMAGUA), pursuant to the Agreement on Identity and Rights of Indigenous Peoples, set up the Standing Commission on Indigenous Women's Rights. On 12 December 1997, the Commission submitted to the Peace Secretariat a bill setting up an Office for the Defence of Indigenous Women's Rights.

Also among the legislative measures taken to eradicate discrimination against women, on 13 October 1998 the bill setting up the National Institute for Women was submitted for second reading with a view to its adoption by the Congress of the Republic.

On 19 December 1998, through Decree No. 80-98, the Congress of the Republic adopted amendments to articles 109, 110, 115, 131, 132, 133, 255 and 114 of the Civil Code. At the time of drafting this report, the amendments were pending approval by the executive branch.

Article 3
Programmes and measures for the development and advancement of women on a basis of equal opportunity

In this area, the Government of Guatemala, through the First Lady's Social Work Secretariat (SOSEM) and the National Office for Women's Affairs (ONAM), with support from UNICEF, drafted the bill entitled "National Policy for the Advancement and Development of Guatemalan Women. Equal Opportunity Plan 1997-2001". The aim was to bring about qualitative changes in the current situation and status of Guatemalan women through the adoption by governmental institutions of measures, programmes and projects designed to promote women's all-round development, empowering them to participate fully at all levels of the country's social, economic, political and cultural structures. The bill is being analysed by the Government's Social Cabinet, after which it will be submitted to the Congress of the Republic for study and discussion.

The Peace Agreements resulting from the negotiations between URNG and the Government on the achievement of a firm and lasting peace in Guatemala include the following commitments relating to the advancement of women:

Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict

Guarantees for the resettlement of the uprooted population groups (part II, paragraph 2):

> "Special emphasis should be placed on protecting female-headed families and widows and orphans, who have been the most seriously affected".

Productive integration of uprooted population groups and development of resettlement areas (part III, paragraph 8):

> "The Government undertakes to eliminate any form of de facto or de jure discrimination against women with regard to access to land, housing, credits

and participation in development projects. The gender-based approach shall be incorporated into the policies, programmes and activities of the comprehensive development strategy".

Agreement on Identity and Rights of Indigenous Peoples

Struggle against discrimination (part II, section B, Rights of indigenous women, paragraph 1):

"It is recognized that indigenous women are particularly vulnerable and helpless, being confronted with twofold discrimination both as women and as indigenous people and also having to deal with a social situation characterized by intense poverty and exploitation. The Government undertakes to take the following measures:

- Promote legislation to classify sexual harassment as a criminal offence, considering as an aggravating factor in determining the penalty for sexual offences the fact that the offence was committed against an indigenous woman;
- Establish an Office for the Defence of Indigenous Women's Rights, with the participation of such women, including legal advice services and social services; and
- Promote the dissemination and faithful implementation of the Convention on the Elimination of All Forms of Discrimination against Women".

(Paragraph 2):

"The communications media and organizations concerned with the promotion of human rights are urged to cooperate in the attainment of the objectives listed in this section".

Cultural rights (part III, section G, Education reform, paragraph 4):

"In order to facilitate access by indigenous people to formal and non-formal education, the system of scholarships and student grants shall be strengthened. Teaching materials containing cultural and gender stereotypes shall also be revised".

Civil, political, social and economic rights (part IV, section F, Rights relating to land of the indigenous peoples, paragraph 9 (g)):

"Eliminate any form of de facto or de jure discrimination against women with regard to facilitating access to land, housing, credits and participation in development projects".

Agreement on Social and Economic Aspects and the Agrarian Situation

Democratization and participatory development (part I, section B, Participation of women in economic and social development, paragraph 11):

"The active participation of women is essential for Guatemala's economic and social development, and the State has a duty to promote the elimination of all forms of discrimination against women".

(Paragraph 12):

"Recognizing women's undervalued contributions in all spheres of economic and social activity, and particularly their efforts towards community improvement, the Parties agree that there is a need to strengthen women's participation in economic and social development on equal terms".

(Paragraph 13):

"To this end, the Government undertakes to take the specific economic and social situation of women into account in its development strategies, plans and programmes and to train civil servants in analysis and planning based on this approach. This undertaking includes the following:

- Recognizing the equal rights of women and men in the home, in the workplace, in the production sector and in social and political life and ensuring that women have the same opportunities as men, particularly with regard to access to credit, land ownership and other productive and technological resources;
- Education and training: Ensuring that women have equal opportunities for education and training on the same conditions as men and that any form of discrimination against women that may be found in school curricula is eliminated;
- Housing: Ensuring that women have equal access to housing of their own by eliminating the obstacles and impediments that affect women in relation to rental property, credit and construction;
- Health: Implementing nationwide comprehensive health programmes for women, which involves giving women access to appropriate information, prevention and health-care services;
- Work: Guaranteeing women's right to work, which requires: using various means to encourage vocational training for women; revising labour legislation to guarantee equality of rights and opportunities for men and women; in rural areas, recognizing women as agricultural workers to ensure that their work is valued and remunerated; enacting laws to protect the rights of women who work as household employees, especially in relation to fair wages, working hours, social security and respect for their dignity;
- Organization and participation: Guaranteeing women's right to organize and their participation, on the same terms as men, at the senior decision-making levels of local, regional and national institutions;
- Legislation: Revising national legislation and regulations to eliminate all forms of discrimination against women in terms of economic, social, cultural and political participation and to give effect to the governmental commitments deriving from the ratification of the Convention on the Elimination of All Forms of Discrimination against Women".

Social development (part II, section A, Education and training, paragraph 21 (b)):

"To avoid the perpetuation of poverty and of social, ethnic, sexual and geographical forms of discrimination, particularly those which arise from the divide between urban and rural society".

Social participation (section B, Health, paragraph 23 (g)):

"The system would encourage the active participation of municipalities, communities and social organizations (including women's groups, indigenous people's groups, trade unions and civic and humanitarian associations) in the planning, execution and monitoring of the administration of health services and programmes, through local health systems and urban and rural development councils".

Protective labour legislation (section E, Work, paragraph 26 (d)):

"Decentralize and expand labour inspection services, strengthening the capacity to monitor compliance with the labour norms of domestic law and those derived from the international labour conventions ratified by Guatemala, paying particular attention to monitoring compliance with the labour rights of women, migrant and seasonal agricultural workers ... and other workers who are in a more vulnerable and unprotected situation".

Agrarian situation and rural development (part III)

Participation (section A, paragraph 33):

"Mobilize the capacity to make proposals and take action of all actors involved in the agricultural sector, including indigenous peoples' organizations, producers' associations, business associations, rural workers' trade unions, peasant and women's organizations and the country's universities and research centres. To that end, in addition to the provisions of other chapters of this Agreement, the Government undertakes to:

(a) Strengthen the capacity of rural organizations such as associative peasant enterprises, cooperatives, peasant associations, joint ventures and self-managed and family businesses to participate fully in decision-making on all matters concerning them, and establish or strengthen State institutions, especially those of the State agricultural sector, involved in rural development so that they can promote such participation, particularly the full access of women to decision-making. That will increase the effectiveness of State action and ensure that it responds to the needs of rural areas. In particular, participation in development councils will be promoted as a framework for the joint formulation of development and land-use plans;

(b) Strengthen and expand the participation of peasant organizations, rural women, indigenous organizations, cooperatives, producers' associations and non-governmental organizations in the National Agricultural Development Council (CONADEA) as the main mechanism for consultation, coordination and social participation in the decision-making process for rural development and, in particular, for the implementation of this chapter".

Access to land ownership: land trust fund (section B, paragraph 34 (a)):

"Promote the access of peasants to land ownership and the sustainable use of land resources. To that end, the Government will take the following actions:

- Establish a land trust fund within a broad-based banking institution to provide credit and promote savings, preferably among micro-, small and medium-sized enterprises;

- The land trust fund will have primary responsibility for the acquisition of land through public funding and will facilitate the updating of land-use plans;

- The fund will give priority to the allocation of land to peasant men and women who organize for that purpose, taking into account economic and environmental sustainability requirements".

Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society

Participation of women in strengthening civilian power (part VI, paragraph 59 (a) to (d) and paragraph 60):

"In order to increase opportunities for women to participate in the exercise of civilian power, the Government undertakes to:

- Set up nationwide publicity campaigns and educational programmes designed to raise public awareness of women's right to participate actively and decisively in the process of strengthening civilian power, without discrimination and with full equality for both rural and urban women;

- Take appropriate measures to ensure that social and political organizations adopt specific policies to encourage and promote women's participation as part of the process of strengthening civilian power;

- Respect, promote, support and institutionalize women's organizations in rural and urban areas;

- Ensure that at all times in the exercise of power, women, whether organized or not, are provided with and guaranteed opportunities to participate".

Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements

- Commitment 29: Women's Forum

"Promote the convening of a women's forum on the commitments concerning women's rights and participation set out in the Peace Agreements".

On 12 November 1997, the Forum was established, with the participation of the most representative governmental and non-governmental women's organizations in the country, to promote and propose actions to comply with the commitments relating to women contained in the Peace Agreements, as well as with the international instruments on this subject which Guatemala has ratified.

The Forum's work is focused on four thematic areas:

(a) Development of production projects;

(b) Social development, including education and comprehensive health care;

(c) Civic and political participation;

(d) Legislative reforms.

Article 4
Temporary special measures aimed at achieving equality between men and women

In the 1985 Constitution, the State of Guatemala set forth the individual and collective principles and human rights applicable to the Guatemalan people. Article 4 establishes that "In Guatemala, all human beings are equal in dignity and rights. Men and women, regardless of their marital status, have equal opportunities and responsibilities. No person may be subjected to servitude or any other status which impairs his or her dignity. Human beings must be supportive of one another".

It can be deduced from the above provision that legal protection for the adoption of measures in favour of the female population is mandatory and that effective protection of women's right to appeal to the justice system to make such equality real and effective is guaranteed through the national courts.

However, because of the patriarchal culture that still predominates in Guatemalan society, the provision has yet to be properly applied in relation to women's rights. Faced with this disparity between the de jure and de facto situations, governmental institutions and non-governmental organizations have submitted legislative proposals to the legislative branch which would permit women's social, political, cultural and economic development.

The measures taken by the State of Guatemala to overcome de facto inequality between men and women are permanent and include actions in the area of education and maternity protection, which are described in the corresponding sections of this report.

Article 5
Elimination of sexist stereotypes

Elimination of stereotypes from school textbooks and from educational materials in general

In 1989, the National Office for Women's Affairs (ONAM) in the Ministry of Labour and Social Security made a detailed analysis of school textbooks and, with support from UNICEF and UNIFEM, designed a methodology for eliminating sexist roles and stereotypes from textbooks and educational materials. Instruction in that methodology was provided at various training workshops for textbook designers and publishers, technical personnel and primary school teachers. A special commission was set up by Governmental Agreement No. 711-93 to ensure that the methodology was applied.

Among its achievements in this area, ONAM signed a letter of understanding with the University of San Carlos on mainstreaming a gender perspective in

academic units and for students entering the professions. Gender has also been incorporated in the conferring of professional qualifications.

Elimination of stereotypes in job offers and commercial advertising

Congressional Decree No. 1441 containing the Guatemalan Labour Code prohibits the media from advertising job offers that specify eligibility criteria such as sex, race, ethnicity or marital status, except in special cases where the nature of the job so requires, in which case authorization must be sought from the Labour Inspectorate, the entity that oversees employer-employee relations.

The Labour Code also establishes that breaches of this prohibition shall be subject to a fine of 1,500 to 5,000 quetzales. To date, this is the only legal provision on the elimination of sexist stereotypes in the mass media.

Family education

The non-governmental Association for Family Welfare (APROFAM) conducts training workshops and seminars for women and men at which it provides sex education and information on family planning and the prevention of sexually transmitted diseases and helps raise public awareness of the importance of sharing responsibilities in the home.

The primary aim of the First Lady's Social Work Secretariat (SOSEP) is to promote a movement within the country for the renewal and development of family values. To that end, it set up a National Commission for the Family by means of Governmental Agreement No. 298-96 of 24 July 1996. The Commission has a departmental commission in each of the country's 22 departments, involving local public officials and community leaders. Its aims include:

1. Teaching, promoting and renewing family values in Guatemala;

2. Raising couples' awareness of the need to share household responsibilities;

3. Fostering respect, understanding and harmony within the home.

Its actions include:

1. Advocating legislation that will foster the all-round development of the family;

2. Conducting an ongoing family values campaign;

3. Strengthening the departmental commissions in this regard.

The Ministry of Public Health and Social Welfare, as the lead agency for health policy, has set up a "Women, Health and Development" programme to promote women's health services. The programme, which is being carried out in the departments of Chimaltenango, Totonicapán, Sacatepéquez, Baja Verapaz and Alta Verapaz, has conducted training and awareness-raising workshops for men on gender theory and health in order to make men's groups more aware of the issue and help reduce inequalities between men and women.

Protection of the family

In order to take legislative measures to reduce and eradicate domestic violence and promote equality of rights between spouses, the State of Guatemala promulgated Congressional Decree No. 97-96 containing the "Act on the Prevention, Punishment and Eradication of Domestic Violence".

The study on domestic violence carried out in 1991 by the "Women, Health and Development" programme of the Ministry of Public Health and Social Welfare, ONAM, the Ministry of Labour and Social Security, the Ministry of Development, the United Nations Population Fund (UNFPA) and UNICEF shows that there are many battered women in our society. The physical, psychological and sexual abuse of which they are victims is a violation of human rights.

The Act on the Prevention, Punishment and Eradication of Domestic Violence establishes that the State must set up, through the Human Rights Procurator, a body responsible for coordinating the holding of workshops, classes, seminars and lectures for male and female judges, court employees and staff of the Public Prosecutor's Office, the Attorney-General's Office and other institutions involved in enforcing the Act, so that they are better informed about domestic violence and its consequences. The Act also indicates that the Attorney-General's Office is the lead agency in charge of public policy for the eradication of domestic violence.

To comply with the Act's provisions, the institutions concerned have carried out a variety of actions.

The Office of the Human Rights Procurator, through the Office for the Defence of Women's Human Rights set up in 1991 to protect, defend and promote women's human rights, has provided the following services:

1. Recovery counselling for women victims of domestic violence;

2. Legal advice for women who file complaints with the Human Rights Procurator;

3. Psychological care;

4. Advocacy for the establishment of a Permanent Forum for Action to Combat Violence against Women;

5. Training for judicial support staff so that they can deal with cases of domestic violence;

6. Operation of support networks with the various women's organizations in the country's interior for dealing with cases of aggression and violence against women;

7. Help in setting up new bodies or groups in the country's interior.

The Attorney-General's Office, as the lead agency for policies for the eradication of domestic violence, has organized the following activities through its Women's Rights Unit:

1. Lectures in the country's interior on domestic violence, its side-effects and the protection afforded by the corresponding judicial bodies;

2. Seminars on "non-violence" campaigns;

3. Lectures on HIV/AIDS and domestic violence;

4. Training for judicial enforcement officers.

In 1997, the Attorney-General's Office received 1,039 complaints concerning, inter alia, child support and alimony, verbal and physical abuse, sexual harassment, death threats, recovery of minors, unfair dismissal, wrongful labour practices, physical separation, housework and domestic violence.

The Public Prosecutor's Office, through its Organic Act contained in Congressional Decree No. 40-94, set up eight criminal prosecution sections, including the Women's Section responsible under article 37 of the Act for prosecuting cases involving one or more women and related to their status as women, whether as plaintiffs or as defendants. The women's Section began activities on 1 March 1995, with a staff comprising a chief prosecutor, two deputy prosecutors, four assistant prosecutors, four officials, a woman psychologist, a secretary and an administrative secretary.

The Women's Section carries out the following activities:

1. It provides medical care for victims through the Department of Forensic Medicine;

2. It provides comprehensive care to meet the needs of victims, in the form of legal, psychological, medical and social assistance.

In the period from 1995 to March 1998, the Section dealt with 4,208 cases, the main offences being domestic violence, threats, assault, child abuse, abduction of minors, physical injury, sexual abuse and rape.

In order to obtain statistics on domestic violence, governmental and non-governmental organizations set up a National Coordinating Office for the Prevention of Domestic Violence and designed a standard form for the reporting of complaints of domestic violence. The Coordinating Office's activities include publicizing the Act on the Prevention, Punishment and Eradication of Domestic Violence and training public employees and judicial officials in the application of the Act and the use of the standard form.

Article 6
Elimination of prostitution

Prostitution in Guatemala is a socio-cultural phenomenon which is entrenched in society as a result of patriarchal patterns that have a major impact on children and adolescents. Recent studies have shown that prostitution among Guatemalan women is not a phenomenon in which the female population are sexual deviants or carriers of pathogenic elements that threaten the health of the male population; rather, it is a process intrinsic to society in which women are enslaved and exploited.

The factors which influence this phenomenon are socio-economic, cultural and political. The situation of extreme poverty has caused many young people and adults to engage in marginal income-generating activities.

Another dominant feature of this phenomenon is that the prostitution of thousands of girls has its roots in certain negative aspects of family life, such as the

abandonment, ill-treatment and intolerance that girls suffer within the home, and that make them so desperate that they run away from home or get themselves thrown out.

According to various studies, most girls or teenage girls who become prostitutes first had sex when they were still children (aged 8 to 11), and the rest started having sex soon after puberty. A study of child prostitution in Guatemala carried out in 1994 by the organizations Child Hope, Pro Niño y Niña Centroamericanos (PRONICE) and UNICEF found that girl prostitutes come from the poorest sectors of Guatemalan society.

According to a study by the Commission for the Convention on the Rights of the Child (PRODEN) on the legal aspects of prostitution, laws do exist for dealing with the problem of prostitution, especially child prostitution. However, they are ambiguous in that they both prohibit and condone prostitution. They prohibit and punish it when it is engaged in by third parties, but by virtue of a kind of sexist morality they condone it when it is engaged in freely by adult women, as if the fact that they are adults means that they are spared the humiliation and degradation that it entails.

As the various studies show, prostitution is not illegal in Guatemala and sex workers are subject to regulations for the control of sexually transmitted diseases. As a result, they have to comply with the following provisions:

1. They have to register with the health centre where they live;

2. They must obtain a health card and a book for recording their check-ups;

3. They must undergo periodic gynaecological exams at intervals to be determined by the centre which performs them;

4. They must produce their identity card and check-up book for the health service authorities, health inspectors or the police to show when they last had a check-up.

Legal framework

Chapter V of Guatemala's Penal Code, entitled "Corruption of Minors", establishes in article 188 that "A person who in any way promotes, facilitates or encourages the prostitution or sexual corruption of a minor, even if the victim consents to take part in or watch sexual acts, shall be subject to two to six years' imprisonment".

Article 189. Aggravated corruption. "The penalty indicated in the preceding article shall be increased by two thirds when any of the following circumstances exist: 1. The victim was under the age of 12; 2. The act was committed for purposes of profit or to satisfy the wishes of a third party; 3. Deception, violence or abuse of authority were used to bring it about; 4. The corruption took the form of perverse, premature or excessive sexual acts; 5. The perpetrator was a direct older relative, brother, guardian or person entrusted with the education, safekeeping or care of the victim; 6. The acts referred to in the preceding article were carried out on a regular basis".

Article 190. Inducement by means of a promise or agreement. "A person who by means of a promise or agreement, even if it appears licit, induces or causes the prostitution or sexual corruption of a minor shall be subject to one to three years' imprisonment".

The same penalty is imposed on a person who, for any reason or on any pretext, assists or supports the continuing prostitution or sexual corruption of a minor or the minor's presence in the houses or places concerned.

Chapter VI of the Penal Code contains provisions on the traffic in women and the exploitation of prostitution:

Article 191. Procurement. "A person who, for purposes of profit or to satisfy the wishes of a third party, promotes, facilitates or encourages prostitution, without distinction as to gender, shall be subject to a fine of 500 to 2,000 quetzales.

A person who, for his or her own benefit, engages in the activities referred to in the preceding paragraph shall be subject to a fine of 300 to 1,000 quetzales".

Article 192. Aggravated procurement. "The penalties indicated in the preceding article shall be increased by one third in the following cases: 1. The victim was a minor; 2. The perpetrator was a direct relative, guardian or person entrusted with the education, safekeeping or care of the victim; 3. Violence, deception or abuse of authority were used".

Article 193. Pimping. "A person not covered by the preceding articles of this chapter who lives, wholly or in part, off a person or persons engaging in prostitution or off the earnings derived from such prostitution shall be subject to a fine of 500 to 3,000 quetzales".

Article 194. Traffic in persons. "A person who in any way promotes, facilitates or encourages the entry of women to the country, or their departure from it, for the purpose of engaging in prostitution shall be subject to one to three years' imprisonment and a fine of 500 to 3,000 quetzales.

The same penalty shall apply to a person who engages in the activities referred to in the preceding paragraph, but with men.

The penalty shall be increased by two thirds if any of the circumstances referred to in article 189 of this Code exist".

Article 195. Indecent exposure. "A person who, in a public place or a place open or exposed to the public, engages in or makes others engage in obscene acts shall be subject to a fine of 200 to 2,000 quetzales".

Article 196. Obscene publications and shows. "A person who publishes, manufactures or reproduces obscene books, writings, images or objects, as well as a person who exhibits, distributes or circulates them, shall be subject to a fine of 300 to 2,000 quetzales".

The above provisions had only limited application in Guatemala, because of two phenomena that can be observed in Guatemalan society:

1. The actions described are viewed in Guatemalan society as being part of the development of male culture, a situation which hampers efforts to eliminate such patterns of conduct;

2. People are afraid to exercise their right to report such acts to the competent authorities because society is indifferent to problems of this kind, viewing them as family problems with little or no impact on society.

Action in favour of female sex workers

Since 14 February 1996, the non-governmental Guatemalan Association for AIDS Prevention and Control (AGPCS) has been implementing the "Sala" project, the objectives of which are:

1. To empower female sex workers in order to reduce the impact of HIV/AIDS and sexually transmitted diseases (STDs) on their lives;

2. To promote the physical, psychological and social well-being of female sex workers who come to the "Sala";

3. To provide a space that builds female sex workers' self-esteem and promotes sisterhood through the experience of community living;

4. To develop employment training workshops to which female sex workers can be referred.

In pursuit of these objectives, the project operates a shelter for female sex workers where they are valued and respected as human beings and as members of society deserving of equal treatment. The shelter, called the "Casa Verde", offers:

1. Emotional support, with care provided by women psychologists;

2. Medical care, including general medicine, family planning, birth control, treatment of venereal diseases, testing for HIV/AIDS and syphilis, Pap smears and contraception;

3. Free dental care;

4. A gym and free aerobics classes;

5. Education, in the form of workshops and talks, to build self-esteem and give women control over their own bodies;

6. Basic washing facilities, room and board.

Other objectives of the "Sala" project include helping and encouraging female sex workers to organize so that they can campaign actively for their labour and social demands; creating a community of female sex workers; and, in 1999, organizing a meeting of female sex workers in the metropolitan area to analyse developments with regard to their human and labour rights.

From 1 to 3 October 1997, the first meeting of Latin American Sex Workers, entitled "Latin American prostitutes in their own voice: Meeting to discuss needs and actions", was held in San José, Costa Rica. The problems and needs identified included:

(a) In the health area, health-care discrimination, high cost of medical check-ups, lack of support from the Ministry of Health in dealing with STDs and HIV, difficulty of using condoms because clients refuse to use them, and abuse of the health card, resulting in police repression;

(b) In the legal area, traffic in women and girls, encouraged by limitations on the free movement of female sex workers; absence of laws treating sex work as an occupation, which means that there is no access to social security, health care, retirement plans, housing or education;

(c) In the social area, prostitution is viewed as a crime, with the result that government services discriminate socially against sex workers; there is also discrimination against their children and their family, and their human rights are violated. Accordingly, the community of female sex workers believes that there is an urgent need to recognize the dignity of sex workers, eliminate repressive treatment, provide human rights training to members of the police and grant sex workers social benefits.

The following actions, among others, were proposed at the meeting:

1. Build a network (Latin American Human Rights Network for Female Sex Workers) to facilitate communication among the organizations of different countries and carry out joint activities;

2. Complain to the Pan-American Health Organization (PAHO), the World Health Organization (WHO) and national groups about the failure to comply with regulations for combating HIV/AIDS and STDs;

3. Demand from Health Ministers comprehensive health care for female sex workers and respect for confidentiality;

4. Complain to national and international human rights bodies about the violation of the elementary rights of female sex workers;

5. Amend the law so that sex work is recognized as just another job and guarantee labour rights for sex workers, eliminating the current repression and discrimination;

6. Conduct public awareness programmes to change society's attitudes to female sex workers;

7. Carry out education, health and training programmes;

8. Strengthen national and international organizations of female sex workers, organizing periodic events.

The non-governmental organization "Sólo para mujeres" (Only for women) is a non-profit educational centre which began activities in 1991, working with street children and children at high social risk. Its aims include supporting and motivating young girls not only to leave the street but also to participate in the country's development process.

The centre's programmes and projects are aimed at enhancing women's status so that they can develop their full potential and so that women and men can work together to bring about a society of solidarity, peace and justice, acting within social groups as defenders of policies that promote equality between men and women.

"Sólo para mujeres" operates three schools:

1. School/Home No. 1. "Open home". Its aim is to get girls to leave the street for a better option, basically education, so that they can develop their full potential. This is done by getting them used to having a home to go to where they

receive instruction based on their aptitudes, such as painting classes, sports and recreation. It is used as a form of therapy for building their self-esteem and feelings of self-worth. The girls are given breakfast, a simple lunch and light refreshments.

2. School/Detox shelter. This school is for girls who have problems of drug addiction. The girls have to stay six months to a year in order to overcome their problem. The school provides formal education, technical training, sports, self-esteem workshops, leadership training, medical care and psychological care.

3. School/Home for mothers and girls who have recently left the street. This home is for mothers and girls who begin their process of change in Home No. 1 and for young women who are at high risk.

Prevention programmes include: prevention of mistreatment and sexual abuse; participation of girls and the community in settling disputes; advice on how to file complaints with the competent authorities; and reproductive health education.

Article 7
Participation in political and public life

Under Guatemalan law, Guatemalans acquire full citizenship rights at 18 years of age and their right to participate in political life is recognized. Article 136 of the Constitution, under chapter III of the section on civic and political rights and duties, establishes the following rights and duties of the citizen:

(a) To be registered with the Citizens' Registry;

(b) To vote and be elected;

(c) To ensure that elections are free and genuine and that the electoral process is fair;

(d) To run for public office;

(e) To take part in political activities;

(f) To defend the principle that people must take turns in the office of President of the Republic and that Presidents may not be re-elected.

At the time of the population census conducted by INE in 1994 Guatemala had a population of 4,228,305 women and 4,103,569 men. According to the Citizens' Registry, as of 31 March 1998, 1,631,443 women were registered to vote, accounting for 41.15 per cent of all those registered. Of these women, 1,079,009 were literate and 552,434 were illiterate. As of the same date, 2,333,227 men, or 58.85 per cent of all those registered, were registered to vote, of whom 1,635,682 were literate and 697,545 were illiterate.

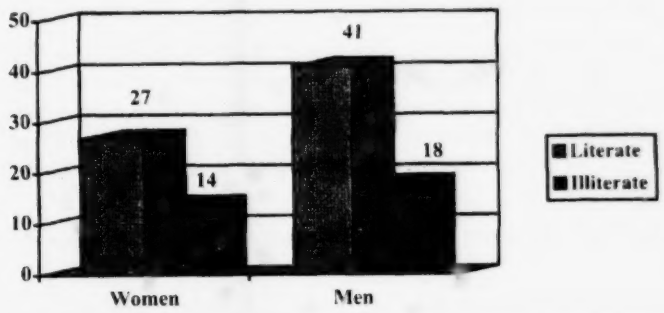
Thus, while women account for 50.7 per cent of Guatemala's population, the percentage of women registered to vote is low.

The 1945 Constitution granted women full citizenship rights, including the right to vote, which was optional for women but compulsory for men. It also gave women the right to run for elected office, provided that they could read and write.

Citizens registered to vote, by sex as of 31 March 1998

Source: Prepared using data from the Supreme Electoral Tribunal.

Literary situation of citizens, by sex



Source: Prepared using data from the Supreme Electoral Tribunal.
Women and Legal Reforms project of the National Office for Women's Affairs in the Ministry of Labour and Social Security.

The 1945 Constitution gave literate women full citizenship rights and the right to vote, but perpetuated discrimination against illiterate women by withholding full citizenship rights. It made voting optional for women and compulsory for men and gave literate women the right to run for elected office.

The 1956 Constitution maintained the discrimination against illiterate women but made voting compulsory for literate women.

The 1965 Constitution granted universal suffrage, without discrimination, for the first time, making it compulsory for literate women and optional for illiterate women, and gave all women the right to run for elected office. Articles 135 and 136 of the 1985 Constitution extended citizenship rights and duties to all Guatemalans. Progress was also made as regards gender, with article 4 of the 1985 Constitution establishing equality of men and women.

Despite legislative advances in the area of full citizenship rights, social indicators confirm that women's political and social participation is limited in terms of access to leadership positions, decision-making and elected office.

Access to public office

In the 1950s, there was only one woman member of the Congress of the Republic; in the 1970s, there were four and in the 1980s, six. The return to participatory democracy in 1986 created more opportunities for women to participate in public life.

In the 1990 elections, there was only one woman candidate for Vice-President (Aracely Conde de Paiz); in the 1995-1996 elections, there was one woman candidate for President (Flor de María Alvarado Suárez de Solis).

Currently, in the executive branch, out of 70 posts of Vice-Minister or Secretary, only eight are occupied by women; there is one woman Minister of State.

According to a 1997 overview of the situation of Guatemalan women from 1986 to 1995 produced by SOSEP, of the 107 members of the legislative branch, 100 were men and only seven were women. Since then, the legislative branch has been restructured; it now has 80 members, of whom 13 are women and 67 are men. Between 1990 and 1994, the Congress of the Republic was twice presided over by women.

In the judiciary, 31.48 per cent of senior positions in the Supreme Court are held by women.

There are a total of 630 professionals (391 men and 239 women) working in the Public Prosecutor's Office, with the following ranks: assistant prosecutor grades I and II, chief prosecutor, district prosecutor, prosecutor for the metropolitan area, deputy district prosecutor and prosecution officer grades I, II and III.

According to data provided by the Department for the Administration of Posts, Remuneration and Administrative Auditing of the National Office of the Civil Service, based on the payroll supplied by the State Accounting Department of the Ministry of Public Finance, in 1997 women occupied 45,824 posts, or 40.4 per cent of all posts, in the various Ministries of State.

In the executive branch, as of May 1997 women occupied 84 senior management posts, or 21.2 per cent of all such posts.

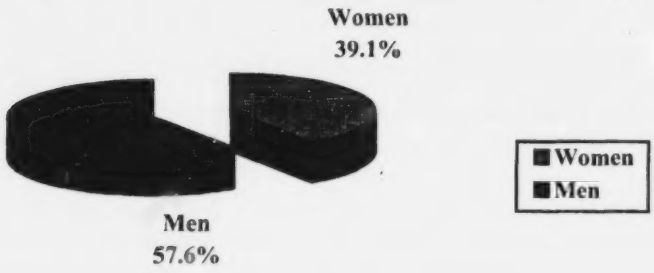
If the number of posts occupied by women in the various branches of the State is expressed as a percentage of the total number of posts in all three branches of government, we get the following statistics:

(a) Women in the executive branch account for 39.1 per cent of all government posts:

(b) Women in the legislative branch account for 0.1 per cent;

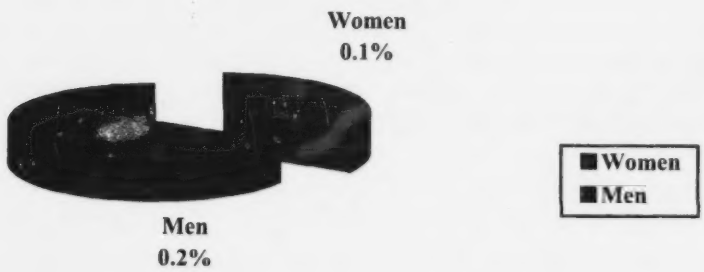
(c) Women in the judiciary account for 0.9 per cent.

Breakdown of posts, by sex and branch of government, expressed as a percentage of all government posts
May 1997
Executive branch



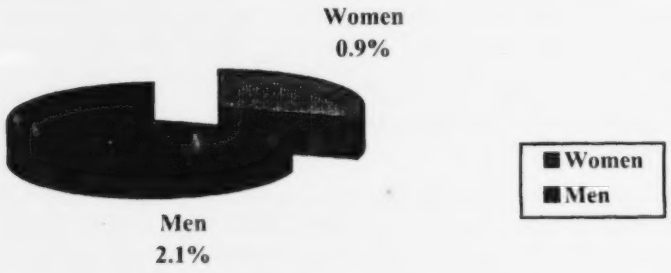
Source: National Office of the Civil Service.

Breakdown of posts, by sex and branch of government, expressed as a percentage of all government posts
May 1997
Legislative branch



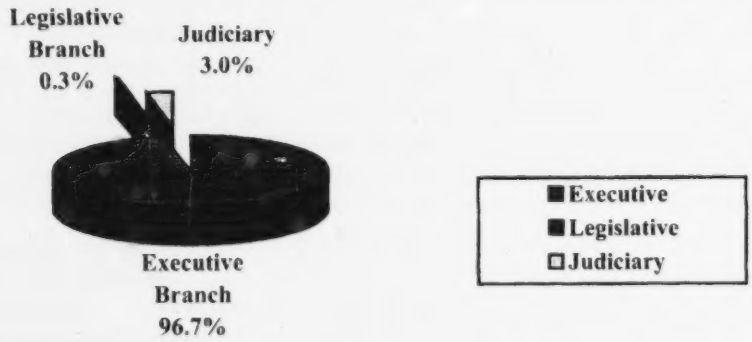
Source: National Office of the Civil Service.

Breakdown of posts, by sex and branch of government, expressed as a percentage of all government posts
May 1997
Judiciary



Source: National Office of the Civil Service.

Breakdown of posts, by sex and branch of government, expressed as a percentage of all government posts
May 1997
Executive and Legislative Branches and Judiciary



Source: National Office of the Civil Service.

Measures taken to eliminate discrimination against women in traditionally male occupations include the restructuring of the Guatemalan armed forces. In 1972, women began to be admitted to the armed forces. To do so, they had to attend Mexico's military academy, from which they graduated as officers with a degree in military health and hygiene and were subsequently assigned to posts in the Guatemalan armed forces.

In 1996, military training and education centres expanded the range of subjects that women could study with a view to a career in the armed forces: (a) at the Military Aviation School, they could graduate with a Bachelor's degree in science or arts with a specialization in aviation mechanics; and (b) at the Adolfo V. Hall Institute, they could graduate with a Bachelor's degree in science or arts and the rank of reserve sub-lieutenant.

In 1997, the Polytechnic School, one of the main academic training centres for army officers, launched a programme under which women with a high school diploma can be admitted and study for three years, earning the rank of sub-lieutenant, as well as a diploma in human resources and technology that is endorsed by the Francisco Marroquín private university.

Measures to give women access to political life

The Supreme Electoral Tribunal, which was set up by Decree-Law No. 30-83 to organize, direct and oversee the electoral process and educate citizens for political participation, adopted Agreement No. 290-97 of 23 December 1997 creating a Civic and Electoral Training, Dissemination and Education Unit (UCADE), under its authority, to plan, programme and carry out activities to raise public awareness with respect to participation in the country's political life. This is done through specific civic education projects aimed at the population in general and people with full citizenship rights in particular.

To encourage women to take part in political life, voter registration campaigns make a special point of appealing to women to register and emphasizing their right to participate. In the publicity campaign to encourage citizens to vote in the 1998 municipal elections, posters were circulated in the municipalities concerned, calling on people, particularly women, to vote. The posters depicted a man's and a woman's face, with the slogan: "Juntos a la par, porque tenemos los mismos derechos, votemos" (together as equals, because we have the same rights, let's vote).

The State guarantees the free formation and functioning of political organizations. Thus, on 22 March 1996, at the initiative of parliamentarian Ilsa Díaz de Zelaya and with the backing of UNICEF and the Central American Parliament, the National Forum of Women of Political Parties of Guatemala was founded, comprising 40 members representing seven political parties: Unión del Centro Nacional, Partido de Avanzada Nacional, Frente Republicano Guatemalteco, Guatemalan Christian Democratic party, Unión Democrática, Movimiento de Liberación Nacional and Frente Democrático Nueva Guatemala.

The National Forum was legally and formally recognized on 13 November 1997, by resolution S.R. C-R-3,997 of the Citizens' Registry. It has working committees made up of a representative of each of the political parties in the Forum,

the aim being to ensure the political participation of every member and to agree on proposals for achieving the Forum's goals.

The committees have now drawn up preliminary work plans and submitted them to the Forum's governing body for approval and subsequent implementation. On 8 August 1997, the first departmental forum was set up, marking the beginning of the process of founding departmental forums made up of representatives of the National Forum.

The National Forum has held seven general meetings and four training seminars, attended by 150 to 200 members, to encourage women to participate in party politics and make them aware of the need to build self-esteem and learn about women's rights.

The National Forum's training and awareness-raising activities include the production of a leaflet explaining its nature and aims.

At the First Meeting of Central American Forums of Women of Political Parties, held on 19 and 20 March 1998 at the Central American Parliament, Flora Escobar de Ramos, President of the National Forum of Guatemala, described some of the constraints on women's participation in political life:

Political constraints

1. The requirements and procedures which have to be fulfilled in order to obtain legal recognition and approval of the statutes, which involves an investment of time, legal advice, etc.;

2. Women's low level of participation within political parties;

3. Political parties' lack of public credibility, which limits women's participation in political life;

4. Absence of legal mechanisms to support women's participation within political parties, so that they are denied the opportunity to demonstrate their abilities and work and advance politically, thereby exercising their right to active citizenship as regards the right to vote and to be elected;

5. Sexual discrimination against women in political parties;

6. The culture of exclusion that characterizes the exercise of positions of power, which are considered inappropriate for women.

Socio-economic constraints

1. Institutions which provide financial support for women's projects do not have specific budget lines for training women for political life;

2. Lack of economic resources limits women's access to elected office and this contributes to women's lack of political participation.

The Women and Legal Reforms project of the National Office for Women's Affairs produced a study, entitled "Democracy and women's political participation in Guatemala", which shows that political parties give women few opportunities to run for elected office, using them only as party campaigners. This illustrates the inequality that exists within political parties, as demonstrated by the following charts for candidates for office in the most recent elections, held in 1995-1996.

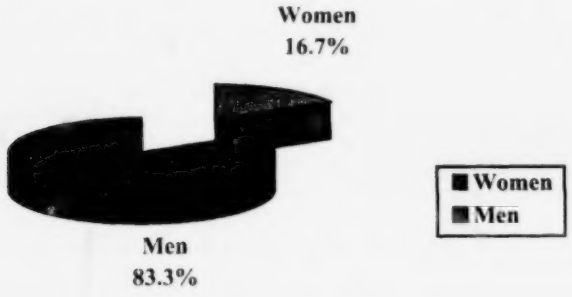
Candidates for President of the Republic, by sex 1995-1996 general elections

Source: Prepared with data from the Supreme Electoral Tribunal.
Women and Legal Reforms project of the National Office for Women's Affairs in the Ministry of Labour and Social Security.

Candidates for Vice-President, by sex 1995-1996 general elections

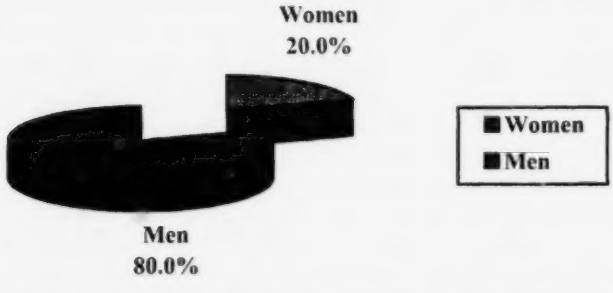
Source: Prepared with data from the Supreme Electoral Tribunal.
Women and Legal Reforms project of the National Office for Women's Affairs in the Ministry of Labour and Social Security.

Candidates for member of the National Congress, by sex 1995-1996 elections



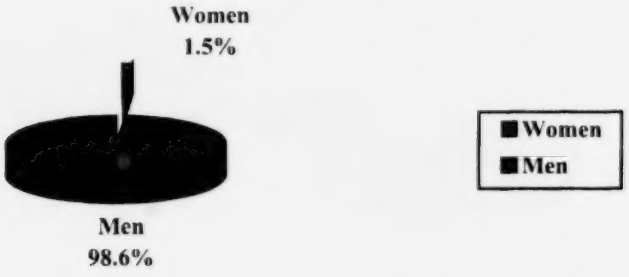
Source: Prepared with data from the Supreme Electoral Tribunal.
Women and Legal Reforms project of the National Office for Women's Affairs in the Ministry of Labour and Social Security.

Candidates for alternate member for Guatemala of the Central American Parliament, by sex



Source: Prepared with data from the Supreme Electoral Tribunal.
Women and Legal Reforms project of the National Office for Women's Affairs in the Ministry of Labour and Social Security.

Candidates for municipal corporations, by sex 1995-1996 elections



Source: Prepared with data from the Supreme Electoral Tribunal.
Women and Legal Reforms project of the National Office for Women's Affairs in the Ministry of Labour and Social Security.

In the elections for President of the Republic in the 1995-1996 general elections, women accounted for 5.26 per cent of presidential candidates. There were no women candidates for Vice-President. Women accounted for 16.7 per cent of candidates for member of the National Congress; 9.6 per cent of candidates for member of a district council; and 10 per cent of candidates for member and 20 per cent of candidates for alternate member for Guatemala of the Central American Parliament.

In the municipal elections, women accounted for 1.5 per cent of candidates and men accounted for 98.6 per cent. In the 1995-1996 elections, 1.7 per cent of members of municipal corporations were women, while men accounted for 98.3 per cent. In the mayoral elections in Guatemala City, there were no women candidates.

Although the law has created greater opportunities for women to participate in political life, the indicators show that Guatemalan society continues to view public life as an exclusive male preserve. This is highlighted by the situation with regard to elected office and leadership positions in political parties.

In order to expand Guatemalan women's participation not only in elected office and as officials or employees of the public administration but also in a broader sense, based on three factors: the freedoms embodied in the Constitution; the commitments made by Guatemala in ratifying the Convention on the Elimination of All Forms of Discrimination against Women; and the commitments made in the Agreement on Social and Economic Aspects and the Agrarian Situation (part I, sect. B, para. 13 (a)) and in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society (part VI, para. 59 (b)); the Women and Legal Reforms project of ONAM, the National Forum of Women of Political Parties and the Women's Civic and Political Coalition transmitted to the Congressional Committee on Women, Children and the Family a set of draft amendments to the Elections and Political Parties Act.

The proposed amendments to Decree-Law No. 1-85 and the reforms thereof contained in Decrees Nos. 74-87, 51-87 and 55-90 involve introducing a minimum quota of 30 per cent for women's participation in the decision-making organs of party organizations, in the membership of committees and in the composition of the Supreme Electoral Tribunal.

On 29 September 1998, the Congressional Committee on Women, Children and the Family presented to the full Congress the legislative proposal on quotas for women's political participation. The proposal was sent to the Congressional Committee on Elections for an opinion. On 11 November 1998, the Congress moved by an absolute majority that the draft amendments to the Elections and Political Parties Act relating to women's participation in party politics did not require an opinion of the Congressional Committee on Elections; instead, it considered the amendments in first reading and added them to the package of electoral reforms currently before the Congressional Committee on Elections.

Public action in favour of political participation

It is important to mention that indigenous participation in political and social life in Guatemala has increased, thanks to constitutional provisions protecting the rights of indigenous peoples, who constitute the majority of Guatemala's population.

Indigenous peoples' political participation is reflected in the election of three indigenous women to the Congress of the Republic.

Another action which contributed to the participation of indigenous men and women in civic and political life was the campaign, spearheaded by Nobel Peace Prize winner and indigenous leader Rigoberta Menchú Tum, appealing directly to the indigenous population in Maya languages to vote in the most recent elections.

With regard to the participation of national, regional, departmental, municipal and community authorities in promoting development, civil society and the State, in the form of non-governmental and governmental organizations, with financial assistance from the Institute for International Cooperation (IIZ), the Swiss Association for International Cooperation (Helvetas), IBIS-Denmark, the Friends Service Committee and the Netherlands Organization for International Development Cooperation (Novib), developed a participatory process, involving over 40 social organizations from various sectors of the country, for drafting amendments to Decree No. 52-87 containing the Urban and Rural Development Councils Act.

The proposed amendments provide for the active participation of women, based on a document prepared by the Gender Studies Team of the research department of the University of San Carlos and validated by a process of national consultation on the participation of indigenous and *ladina* women at all levels of the system of urban and rural development councils. This consultation process was carried out in 1996 and 1997 in the departments of Guatemala, Alta Verapaz, Baja Verapaz, Chiquimula, Zacapa, Quetzaltenango, Totonicapán and Sololá, where most indigenous and *ladina* women live. The proposed amendments were also taken up and promoted by other women's organizations in the country, making them representative of the women's movement nationwide.

Social participation

In title I, chapter I, article 4 of the Constitution, the State of Guatemala establishes equality between men and women. It also recognizes the right to freedom of association without discrimination of any kind in its article 102 (q), subject to the requirements of the Labour Code governing the functioning of trade unions.

According to statistics from the Ministry of Labour and Social Security (1996), there are 1,118 trade unions, 46 federations and 5 confederations legally registered in Guatemala, with a total membership of 88,813 workers, of whom 64,903 work in the private sector and 26,920 work in the public sector. This means that 3.6 per cent of the economically active population belong to a trade union.

The number of women belonging to a trade union, federation or confederation is 8,324, divided equally between the public and private sectors. Of these, 1,516 live in rural areas and 6,808 in urban areas. Within trade union organizations, there are very few women at the leadership level (executive committee and advisory committee); most women belong to the rank and file.

With regard to women's participation in other activities in society, studies show that of the 199,223 members of the cooperative movement, 150,838 are men and 48,385 are women.

In the Federation of Small and Medium-Sized Businesses, 14 per cent of members are women, who engage in industrial, commercial and service activities. Women's presence in the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF), which represents the country's business sector, is limited.

Article 8
Representation of the Government at the international level

According to the latest figures provided by the secretariat of the Personnel Department of the Ministry of Foreign Affairs, there are 100 women in the foreign service, distributed as follows:

Embassies

7 Ambassadors

1 Alternate Representative

5 Minister Counsellors

1 Counsellor

13 First Secretaries and Consuls

5 First Secretaries

4 First Secretaries

1 Second Secretary

17 Third Secretaries

2 Cultural Attachées

2 Commercial Attachées ad honorem

2 Cultural Attachées ad honorem

Consulates

3 Consuls-General

3 Consuls

12 Vice-Consuls

11 Third Secretaries

2 Commercial Attachées

1 Secretary

Missions

1 Alternate Representative

1 Minister Counsellor

2 First Secretaries

1 Second Secretary

2 Third Secretaries.

The National Office for Women's Affairs submitted to the Congress of the Republic draft amendments to the Diplomatic Service Act providing for equal employment conditions for men and women.

Article 9
Nationality of women

Under Guatemalan law, nationality is acquired by *jus sanguinis* and *jus solis*. Women thus have equal rights with men to acquire, change or retain their nationality. Married women have the right to change or retain their nationality and their children have the right to acquire their parents' nationality.

The Constitution provides as follows:

Article 144. Nationality of origin. "Children born in the territory of the Republic of Guatemala, on board Guatemalan ships and aircraft, or abroad to Guatemalan fathers or mothers shall be Guatemalans by origin, with the exception of children of diplomatic officials or persons performing legally comparable functions.

No one who is Guatemalan by origin may be deprived of his or her nationality".

Article 145. Nationality by virtue of being Central American. "Nationals by birth of the Republics which constituted the Central American Federation shall also be considered Guatemalans by origin if they become permanent residents of Guatemala and state before a competent authority that they wish to be Guatemalan.

In this case, they may retain their nationality of origin, without prejudice to the provisions of Central American treaties or conventions".

Article 146. Naturalization. "Persons who become naturalized citizens by law shall be considered Guatemalan.

Naturalized Guatemalans shall have the same rights as Guatemalans by origin, subject to the limitations imposed by this Constitution".

Article 87 of the Civil Code provides: "A Guatemalan woman married to an alien shall retain her nationality, unless she chooses to adopt the nationality of her husband, in which case she must make an express statement to that effect in the marriage proceedings".

Article 10
Access to education

Guatemala has the second highest rate of female illiteracy in Latin America. Sixty per cent of Guatemalan women are illiterate and nearly 80 per cent of these are Maya women living in rural areas.

There are problems with regard to the levels of school attendance, retention and advancement of girls and boys, especially in rural areas and among the Maya-speaking population.

Educational indicators

According to Ministry of Education data for 1996, far fewer girls than boys attend school, especially in rural areas, where girls account for 44.5 per cent of total enrolment.

Approximately half a million girls between the ages of 7 and 14 are not enrolled in primary school, compared with 300,000 boys.

The situation is worse in the higher grades of primary education. by sixth grade, girls account for only 41 per cent of enrolment in rural areas.

Drop-out rates for girls are high throughout all six grades of primary education, especially in rural indigenous areas and in some departments in particular. Sixty-six per cent of girls in rural areas drop out of school before third grade and only one in eight girls completes sixth grade.

The above statistics can be explained by the barriers that limit girls' and women's access to education, which include the following:

1. Economic barriers: direct costs, which are high for parents and which include the costs of school enrolment, books, materials and supplies, uniforms and shoes; opportunity costs for the family, such as the loss of the girl's contribution to housework and the loss of potential income when girls do not assist with the work done by the family.

2. Cultural barriers: people's perceptions that girls' personal safety may be threatened when they walk to school along deserted roads or paths or when they interact with boys at school; the predominance of traditional roles for women, which establish male control and protection and result in an absence or shortage of women schoolteachers.

3. Educational barriers: lack of open-mindedness towards gender issues and equitable participation of boys and girls; schoolteachers' lack of training in equal opportunity issues; lack of primary schools offering the full six grades; limited bilingual education coverage; lack of textbooks and educational materials in schools. Also, administrative deficiencies with regard to school meals and the provision of educational materials for boys and girls; poor educational quality, reflected in the absence of active methodologies to facilitate learning and interaction between boys and girls; absence of an education-oriented approach to changing attitudes with a view to the all-round development of the personality as a factor in promoting educational participation.

4. Infrastructure barriers: the distance that children have to travel to school, which is associated with the issue of girls' perceived lack of safety; inadequate access roads to schools; lack of basic amenities in communities (electricity, drinking water, toilets, transportation).

5. Nutrition and health barriers: these include chronic malnutrition and delayed physical growth.

Legal framework governing education

The Constitution of Guatemala establishes the State's obligation to provide education to its inhabitants without discrimination in order to ensure the all-round development of the human person. It is therefore a right and an obligation that all Guatemalans should receive early, pre-school, primary and basic education.

Under Congressional Decree No. 114-97, the Ministry of Education, as a State institution, is responsible for applying the legal regime governing in-school and out-of-school services for the education of Guatemalans.

The National Education Act contained in Decree No. 12-91 establishes that education is an inherent right of the human person and an obligation of the State. The education system is an organized, interrelated set of elements, processes and actors through which education is imparted in a manner consistent with the characteristics, needs and interests of Guatemala's historical and cultural reality.

According to the *Human Development Report 1996*, the adult literacy rate was 47.6 per cent for women and 61.7 per cent for men in 1993, based on statistics compiled by the National Office for Women's Affairs and included in Guatemala's report to the Fourth World Conference on Women; 73.4 per cent of all illiterate women belong to one of the country's various indigenous peoples.

According to data from the 1991 National Housing and Population Census, the illiteracy rate for Guatemalans aged over 15 was 40.7 per cent in 1990. In 1991, the figure was 40.4 per cent. The problem was most acute among rural women, whose illiteracy rate was 60 per cent, and indigenous women, whose illiteracy rate was 74 per cent.

Education policies

The public policies of the Ministry of Education are aimed at strengthening the education system and meeting the population's needs in order to reach the Government's targets and comply with the Peace Agreements and the Code for Children and Youth. Their goals are: increased coverage, education reform, better teaching quality and community participation.

The Ministry of Education has been actively involved in promoting education for girls and is aware of its role in implementing ongoing projects and programmes to expand coverage and reduce drop-out and repetition rates. To that end, it defined the action to be taken to promote education for girls in a set of Policies and Strategies for Girls' Education 1993-1998, namely:

1. Promote their enrolment, retention and advancement within the school system so that they can participate actively in the development of the family, the

community and the country. Action to this end includes: awarding scholarships; distributing textbooks, educational materials, school supplies, uniforms and school meals; making the school day and the school calendar more flexible to enable girls to attend and stay in school; emphasizing in training days and at meetings of teachers' circles the importance and benefits of girls' retention and advancement in school; identifying schools where there is a growing demand for places for girls in order to provide adequate teacher coverage; and appointing bilingual schoolteachers in areas with a monolingual or bilingual indigenous population.

2. Focus specific contents on education for girls in curricula, study plans and educational materials, taking into account the needs, interests and way of life of the country's different population groups.

Action to implement this policy includes: strengthening the national curriculum with contents that promote education for girls, taking into account the different ways of life of the Maya population; incorporating specific contents that foster respect for girls' dignity, their self-confidence and their value as individuals; supporting projects for the production of motivational educational materials to promote education for girls; ensuring that textbooks used in primary schools are produced with contents on equity for both boys and girls; changing the assessment system for pre-school up to the third grade of primary education in order to reduce the drop-out rate for girls and increase their rate of advancement within the school system.

3. Make the school community, particularly parents, aware of the necessity and importance of taking action to promote education for girls.

Action to implement this policy includes: conducting information campaigns on the importance and benefits of education for girls that will motivate the entire population (girls, parents, teachers, authorities, etc.); promoting girls' education through the communication media, including television, radio, the press, leaflets, theatre troupes, songs, exhibitions, competitions, events, etc.; ensuring that formal education is in keeping with the realities and needs of the country's rural communities, so as to arouse and maintain interest in girls' involvement in the educational process.

4. Promote coordinated, creative and committed action among sectors decisive for the country's development, such as the private and public sectors, the church, academia and non-governmental organizations, so that they undertake activities in favour of girls' education.

This policy is being carried out through the Ministry of Education, as the lead agency responsible for: ensuring that the specific policies and strategies of the programme for girls lead to practical action to promote girls' retention and advancement in school; encouraging the country's social and economic sectors to participate in executing projects in favour of girls' education; and strengthening and consolidating the "Let's educate girls" commission.

As regards expanding the coverage of the education system at the pre-school and primary levels, with emphasis on rural areas, girls and intercultural bilingual education, the Ministry of Education has been pursuing educational approaches that seek to involve more of the population in the education system so as to secure greater community support for and participation in the organization and operation of services. According to figures from the data-processing unit, a total of 2,306,543

pupils were enrolled in the 1997 school year and there was a 6.86 per cent increase, compared with 1996, in the numbers of girls who enrolled.

The programmes implemented by the Ministry of Education to promote boys' and girls' participation in education include the following:

National programme for self-managed educational development

This programme takes a decentralized approach to the expansion of educational coverage, involving the transfer of financial resources to communities which have no educational services to enable them to recruit teachers and set up support programmes, and the provision of technical assistance to enable them to manage their own school. The community organizes itself into an education committee for this purpose. The programme permitted the provision of primary education to 67,193 boys and girls in rural areas in 1996.

Community centres for accelerated pre-school education

This programme of accelerated pre-school education represents an alternative approach to the provision of pre-school education coverage. It was launched with technical assistance from UNICEF and is run by parents, community leaders and students from the country's training colleges for nursery school teachers.

The programme is in operation in 11 of the country's departments and served 3,427 boys and girls aged five and six in 1995, 15,620 in 1996 and 37,000 in 1997. There were 147 centres in 1995, 443 in 1996 and 950 in 1997.

Evening schoolday programme

The purpose of this programme is to expand educational coverage in areas with a high density of school-age children. It involves organizing multiple schooldays so that the same school premises can be used for classes at different times of the day.

Programme for girls

The United States Agency for International Development (USAID) has provided technical and financial support to the Ministry of Education through a project for strengthening basic education that includes the programme for girls, launched in 1991. The programme was initially managed by the Department of Education within the Ministry of Education, but was later transferred to the Human Resources Development and Curriculum Reform Scheme (SIMAC).

The purpose of the programme was to increase the educational coverage and retention of girls in rural areas. One of the programme's most significant contributions to the school enrolment and retention of girls has been the provision of 30,000 scholarships worth a total of 3.3 million quetzales (first phase, 1997), for girls enrolled in the first to fourth grades of official primary schools. This scholarship programme for rural girls is being carried out in conjunction with the Foundation for Rural Development, which is the executing agency.

Other actions carried out by the programme in 1997 included supporting schools by printing and distributing 40,000 books to strengthen the school microlibraries service and 1,000 instructional handbooks for teachers. As regards publicity, 15,000 leaflets, 2,000 posters and 1,000 newsletters were distributed.

Seminars and training workshops were held for teachers and awareness-raising activities were conducted for parents.

Since 1997, as part of its SIMAC work plan, the programme for girls has been producing inputs for the incorporation of a gender perspective in curricula, textbooks and educational materials and in training activities. The private sector has also contributed to the strengthening of this programme.

"Let's educate girls" commission

This commission was set up in 1991 following the holding of a national meeting on the theme "Educating girls will help us develop Guatemala", organized by the Ministry of Education, the USAID/UNDP mission and the National Office for Women's Affairs. The commission was made up of public and private sector institutions and its basic aim was to help promote the formal education of Guatemalan girls by increasing their primary school retention and advancement rates. It represented an inter-institutional, intersectoral, intermanaged effort to formulate policies through an education programme. In 1995, its members decided to transform the commission into the "Let's educate girls" Association, whose statutes were approved in August 1995.

In 1992, the commission published an analysis and plan of action designed to tackle the needs and problems encountered by girls in attending school. With the support of donors and executing agencies, the commission launched projects such as the following:

1. "Educate girls" project

This project was launched in 1994 as a joint effort of the Ministry of Education, USAID, the World Bank, the Sugar Foundation, the Mariano and Rafael Castillo Córdova Foundation, the Bahai Community and Rafael Landívar University. It provided scholarships to needy girls, assigned social outreach workers to communities to provide academic and social support to scholarship recipients and formed committees of parents and community leaders to select and monitor recipients.

The project began in 1994 and ended in 1996. Before it was executed, a feasibility study was conducted in 90 communities where school enrolment rates for girls were low. The study permitted the selection of 36 schools in rural areas with a predominantly Maya population in the four main linguistic areas, in the departments of Quiché, Huehuetenango, San Marcos, Chimaltenango, Suchitepéquez and Alta Verapaz; 12 other schools were used as controls.

In 1995, the Ibero-American association ANDE and the Japanese Government made large donations to the "Educate girls" project. These were used to finance project activities and purchase project equipment.

The project provided scholarships to 337 girls in 1994, 439 girls in 1995 and 488 girls in 1996, benefiting a total of 1,264 girls.

The project's execution made it possible to envisage strategic action to increase the primary school retention rate for girls.

2. "A new world for girls" project

Sponsored by the Castillo Córdova Foundation with a view to a nationwide publicity campaign on the importance of education for girls, this pilot project was carried out in 1993 and 1994 in eight communities of the department of Sololá, four in the Kaq'chikel linguistic area and four in the Ki'ché linguistic area. The main aim was to increase school enrolment for girls and make parents in the communities aware of the importance of educating girls.

A team of approximately 80 volunteers drawn from each community was set up to conduct workshops on the issue of education.

3. "Making parents aware of the importance of education for girls" project

Sponsored by the Mariano and Rafael Castillo Córdova Foundation, this nationwide campaign was aimed at Maya-speaking rural communities. Communities would organize a parents' committee which, assisted by a social outreach worker, would monitor girls' scholastic performance and participation. Neither the girls nor the communities were given any kind of incentive, other than the training provided to committee members.

4. "The kitchen in my school" project

The aim of this project is to overcome nutrition and health barriers by working in the community and in schools with mothers and girls, focusing on issues of preventive health and hygiene. The main goals of the project are:

1. To supplement girls' education by transmitting practical knowledge of health and nutrition, giving them the tools to live more fulfilling lives.

2. To give girls a basic knowledge of preventive medicine, proper food preparation and personal and food-related hygiene.

3. To ensure inter-institutional coordination in support of Guatemala's development.

The project is being carried out in more than 30 municipalities in 17 departments, including the departments of Sololá, Totonicapán, Sacatepéquez, Progreso, Zacapa, Santa Rosa, Chimaltenango, Jutiapa, Quetzaltenango, Alta and Baja Verapaz, Huehuetenango, Izabal, Escuintla and Retalhuleu. It is supported by the Central de Alimentos S.A., and some 18 non-governmental organizations are responsible for its execution.

One important aspect of the design and execution of this project has been the participation and institution-building of local non-governmental organizations, which were chosen for their experience in the area of community work. These organizations include the Coordinadora de Mujeres Mayas, Cuna del Sol, Los Castaños, Talita Kumi and Pasic.

The project's education programme is structured by grades; so far, girls in approximately 730 schools have received instruction.

Other action to increase the school retention rate for girls includes:

1. The national radio and television campaign launched by the Castillo Córdova Foundation in 1995 under the slogan "An educated girl is the mother of

development". Its aim was to publicize the issue of education for girls and the search for solutions.

The campaign was broadcast on three national television channels and by 127 radio stations, two cable companies, 19 local cable systems, five national newspapers and one local newspaper. It was designed for the Foundation by Mercomún Publicidad and won a UNICEF award for communication as the best campaign for children in 1995.

2. In recognition of the country's ethnic diversity, the Language Institute of Rafael Landívar University produced and translated into the four main Maya languages a collection of stories for girls which emphasizes the important role of women.

3. In 1994, the Ministry of Education set up a decentralized regional scholarship programme for rural indigenous girls covering the eight departments where school enrolment rates for girls are lowest (San Marcos, Totonicapán, Sololá, Chimaltenango, Huehuetenango, Quiché and Alta and Baja Verapaz), as an incentive to enable girls to enrol and remain in the education system.

The aim of the programme was to raise retention and advancement rates for girls by awarding scholarships to pupils in the third to sixth grades. The distribution of scholarships by region for the period 1994 to 1996 was as follows:

1. Region II: 611 scholarships in 1994, 971 in 1995 and 1,165 in 1996;
2. Region V: 613 scholarships in 1994, 730 in 1995 and 887 in 1996;
3. Region VI: 1,874 scholarships in 1994, 2,803 in 1995 and 3,446 in 1996;
4. Region VII: 1,484 in 1994, 1,921 in 1995 and 2,302 in 1996.

A total of 4,582 scholarships were awarded in 1994, 6,425 in 1995 and 7,800 in 1996.

According to the scholarship disbursement report for 1996 of the Foundation for Rural Development, a total of 5,112 scholarships were awarded that year to girls enrolled in 1,115 schools in 113 municipalities. The Foundation plans to increase the number of girls per school receiving scholarships by 40 per cent of the total number of girls enrolled, in order to cover 36,000 girls in 2,000 schools in the departments of Alta and Baja Verapaz, San Marcos, Quiché, Chimaltenango, Sololá and Totonicapán over the next five years.

4. School programme for rural girls

This programme is being executed by CARE Guatemala in the department of Chimaltenango. Its basic aim is to ensure that girls stay in and complete primary school by means of education credits. It is a five-year pilot programme which began in 1995 and involves lending parents money for their daughters' education through a community bank, so as to reduce the financial burden on parents. The loan is granted at a monthly interest rate of 2.5 per cent, of which CARE receives 2 per cent and the girls pay the remaining 0.5 per cent into an education fund.

In 1996, the project was executed in 11 communities in five municipalities of Chimaltenango.

5. Global girls' education project

USAID launched this project in 1997 and will execute it for a five-year period. It involves six countries, including Guatemala.

The intended outcomes of the project include: increasing girls' educational opportunities by studying lessons learned and building on the efforts made; creating and developing flexible programmes, models and processes which benefit girls' education; building capacity among the different actors for applying and using lessons learned; building capacity among the various actors for planning, supporting and facilitating sustainability, in both the public and the private sector, in educational opportunities for girls.

The Ministry of Education has implemented other programmes designed to expand formal education coverage and increase student retention, such as:

Distance secondary school programme

This programme offers a means of expanding basic secondary education coverage to rural areas and was set up by agreement with the Mexican Government. Its aim is to support communities that are so scattered and remote that they are not reached by ordinary education services. It has 115 video programmes covering subjects corresponding to the first year of secondary school.

Subsidy programme for non-profit organizations

This programme provides financial support to non-profit organizations under a co-financing arrangement that has facilitated the school enrolment of boys and girls from rural areas and marginal urban areas. In 1997, 56,535 pupils benefited from the programme. The organizations that received subsidies were the Asociación de Centros Educativos Mayas del Nivel Medio Rural and the Centro Don Bosco Asociación Fe y Alegría. The subsidies amounted to 22,248,909 quetzales.

The assistance programmes being carried out by the Ministry of Education include the following:

School meals programme

The aim of this programme is to improve schoolchildren's nutrition status through two subprogrammes, the school snack subprogramme and the school lunch subprogramme. Under the first of these, a snack designed to supplement children's diet is distributed in official urban and rural schools throughout the country. In 1997, 159,790,206 such snacks were distributed at a cost of 34,591,635.02 quetzales.

The school lunch subprogramme provides a highly nutritious hot meal for boys and girls and involves community (parent) participation. In 1997, 24,682,963 meals per month were provided in the departments of San Marcos, Retalhuleu, Sololá and Huehuetenango, at a monthly cost of 16,783,989.84 quetzales. A number of municipalities in the Chortí region were also covered through assistance from the National Peace Fund (FONAPAZ).

The programme has received financial support from international agencies and private enterprise. A total of 426,645 kg of milk were distributed to 5,434 schools in 1997, benefiting 242,126 pupils in Alta and Baja Verapaz, Sololá, Totonicapán, Quetzaltenango, San Marcos, Quiché and Huehuetenango. With support from the

World Food Programme, supplies of maize, beans, cooking oil and tinned meat were distributed in 109 communities in 11 departments, benefiting 17,500 pupils.

Scholarship and grant programme

In 1997, the student welfare programme awarded 8,403 scholarships to girls studying at the upper secondary school level, including 49 scholarships for students at the Tzutuhil teacher training school in Sololá, and 380 grants for food to the Santa Lucia Utatlán school and 183 to the Pedro Molina teacher training school in Chimaltenango, for a cost of 484,100 quetzales.

Transport subsidy programme

This programme, for primary and secondary school students in the Guatemala City metropolitan area, helped 77,221 students attend and remain in school in 1997.

To help prevent students from dropping out of school, given the need for families, particularly rural families, to earn enough to improve their living conditions, the State has implemented a number of programmes, such as:

New unitary school programme

In order to reduce the numbers of students who do not complete their schooling, the Ministry of Education introduced the new unitary school programme, which operates primarily in rural villages and hamlets, with parental support, and is based on the principles of active learning, school government, respect for local culture, promotion of democratic coexistence and recognition of the parallel need for subsistence and education.

As a result of this programme, 100 schools were set up in 1995, 927 in 1996 and 1,227 in 1997, with the participation of the Ministry of Education, the Don Bosco educational programme, Plan Internacional, the Social Investment Fund (SIF) and the Foundation for Rural Development (FUNRURAL). The programme covers 500 schools in coffee-growing areas in eight of the country's departments and is expected to cover 1,200 within the next three years.

Achievements and results of educational policies and programmes

The efforts made by both the public and the private sector, with the support of international agencies, have produced the following results over the past six years:

1. Education for girls exceeded the goals of the USAID basic education project, becoming a subject of analysis and discussion within the Guatemalan education system and an innovative initiative reflected in national policy, the Peace Agreements and the plans, policies and objectives of the Government administrations of the past six years.

2. A ministerial policy for girls' education, "Policies and strategies for girls' education 1993-1998", was designed and published. The decentralized regional scholarship programme for rural indigenous girls was set up in 1994.

3. International organizations and public and private sector institutions participated jointly in publicizing the importance of education for girls and jointly financed and executed activities in the area of education for girls.

4. The "Let's educate girls" Association was set up as a civil non-profit lead agency and national coordinator to ensure the continuation of the education for girls initiative.

5. The Human Resources Development and Curriculum Reform Scheme (SIMAC) became the official executing agency for the girls' education programme.

6. The country conducted a novel experiment in the production of motivational educational materials for girls.

7. Local communities took over responsibility for activities related to girls' education.

8. Experts from the Ministry of Education were put in charge of training teachers in matters related to girls' education.

Pursuant to the commitments made in the Convention on the Elimination of All Forms of Discrimination against Women, the Government issued Governmental Agreement No. 711-93 setting up a specific multisectoral commission for evaluating school textbooks, with a view to taking the necessary action to:

1. Ensure that national textbooks and educational materials guarantee equal functions for men and women, eliminating all discrimination with regard to the roles played by each in society.

2. Make curriculum reforms in educational plans, programmes and models in the various areas and at all the levels of education to ensure that they do not contain sexist roles, stereotypes and prejudices and that they include sex education as part of overall education.

3. Promote action among teaching staff designed to guide educators and make them aware of the need to demonstrate the dignity and value of men's and women's roles, providing models of non-sexist social behaviour.

Education reform

With a view to transforming the education system so that it responds to the population's present needs, characteristics and demands, the Ministry of Education is engaged in an education reform process and has set up the following bodies to this end:

Joint Commission on Education Reform

The Ministry of Education has promoted the organization and functioning of the commissions established under the Peace Agreements. The Joint Commission on Education Reform was set up in April 1997. Pursuant to the Agreement on Identity and Rights of Indigenous Peoples, the Commission is responsible for designing the education reform and comprises an equal number of Government representatives and indigenous representatives. It submitted a design for the education reform on 20 July 1998.

Advisory Commission on Educational Reform

This Commission, established under the Agreement on Social and Economic Aspects and the Agrarian Situation, was set up in 1997 and is responsible for supporting the design and implementation of the education reform.

Secondary and higher education

It is important to note that, in Guatemala, female participation at the various levels of education is still considerably lower than male. Sixty per cent of girls as compared with 50 per cent of boys are not enrolled in pre-primary education, 10 per cent as compared with 8 per cent are not enrolled in primary education and 75 per cent as compared with 61 per cent are not enrolled in basic and diversified secondary education. Thus, the higher the level of schooling, the lower the rate of female enrolment, with even greater disparities in rural areas.

In higher education, according to data from the University of San Carlos, the student population is 66.2 per cent male and 33.7 per cent female. At the Rafael Landívar, Mariano Gálvez, Del Valle and Francisco Marroquín private universities, the female student population is estimated at 40 per cent. Of these, only a tiny percentage are indigenous women.

At the Faculty of Juridical and Social Sciences of the University of San Carlos, the various academic disciplines have included courses in gender studies since June 1998.

Access to sports and physical education

The Ministry of Culture and Sports has formulated a culture and sports policy for 1996-2000 whose basic aim is to raise awareness of the equal rights and responsibilities and the dignity of human beings with a view to promoting public participation in culture and physical education.

The Ministry of Culture and Sports has eliminated discrimination against women in different artistic areas and has recognized women's contribution to them. It has also encouraged the sociocultural identification of Guatemala's population and, specifically, the reduction of linguistic and gender-based discrimination.

The Ministry guarantees women's access to culture and to public sports activities and facilities; there are no laws restricting their participation in these areas. It should be mentioned that, in all cultural and sports activities and facilities, multiple opportunities are available for women to participate. This is the case in both urban and rural areas and in the Ministry's various professional training schools in the arts, namely:

1. The Rafael Rodríguez National School of Plastic Arts in Guatemala City, with 84 women.

2. The Carlos Figueroa Júarez National School of Dramatic Arts in Guatemala City, with 27 women.

3. The Marcella Bonge de Deaavaux National School of Dance and Choreography in Guatemala City, with 157 women.

4. The Germán Alcántara National Conservatory of Music in Guatemala City, with 203 women.

5. The Alfredo Gálvez Suárez Regional Art School in Cobán, Alta Verapaz, with 12 women.

6. The Humberto Garavito Regional Art School in Quetzaltenango, with 35 women.

7. The Manuel Herrarte Regional Art School in Chiquimula, with four women.

8. The Ovidio Rodas Corzo Regional Art School in Chichicastenango, Quiché, with four women.

9. The Sergio López Regional Art School in Puerto Barrios, Izabal, with 11 women.

10. The Jesús Castillo Music School in Quetzaltenango, with 74 women.

11. The Rafael Pereira Elementary Music School in Huehuetenango, with 12 women.

12. The Elías García Elementary Music School in San Juan Sacatepéquez, Guatemala, with four women.

13. The Rafael Alvarez Ovalle Elementary Music School in San Juan Comalapa, Chimaltenango, with 14 women.

Access to technical training

The Technical Institute of Training and Productivity (INTECAP) provides equal opportunities for training and technical assistance to men and women. One of its institutional policies for 1998 is the integration of women, disabled persons and independent workers in the country's production process.

To carry out its activities, INTECAP has classified its training programmes by sector and branch of the economy. In the primary sector, which comprises activities involving the production or extraction of animal, vegetable or mineral products, there are programmes in agriculture, livestock production, fisheries, forestry and other agriculture-related activities. In the secondary sector, which comprises activities involving the chemical or physical processing of primary sector products into manufactured or semi-manufactured products, there are programmes relating to industry in general, the graphic arts, textiles, foodstuffs, construction and timber. In the tertiary sector, comprising activities related to commerce or the provision of services, there are programmes in hotel management and tourism, banking, insurance and commerce, as well as general programmes.

The Institute also provides training programmes in small business management, which have benefited both men and women:

In 1987, a total of 18,668 men and 9,392 women were trained, making a total of 28,060.

In 1988, 21,137 men and 11,850 women were trained, making a total of 32,987.

In 1989, 28,885 men and 16,968 women were trained, making a total of 45,853.

In 1990, 32,959 men and 21,275 women were trained, making a total of 54,234.

In 1991, 37,073 men and 30,300 women were trained, making a total of 67,373.

In 1992, 28,836 men and 22,295 women were trained, making a total of 51,131.

In 1993, 21,171 men and 16,390 women were trained, making a total of 37,561.

In 1994, 24,492 men and 13,277 women were trained, making a total of 37,769.

In 1995, 32,981 men and 16,059 women were trained, making a total of 49,040.

In 1996, 42,608 men and 29,639 women were trained, making a total of 72,247.

In 1997, 57,339 men and 37,430 women were trained, making a total of 94,769.

Most training for women is related to foodstuffs, textiles, the hotel industry and tourism. Women's access to other production activities is hindered by their customary role in society and by gender stereotyping.

Article 11
Access to work

Guatemala's labour legislation is highly protective, guaranteeing as workers' minimum inalienable rights those set forth in the Constitution and in Congressional Decree No. 1441 containing the Labour Code and the Civil Service Act, which regulate the private and public sectors respectively.

Labour force participation

According to the study *Mujeres y Mundo Laboral en Guatemala, Las Mentes y Manos Invisibles* sponsored by the International Labour Organization (ILO), Guatemala's labour force is very poorly educated. Of the female economically active population, 40.24 per cent never attended school and 19 per cent completed only primary education.

Nationwide studies conducted by Childhope in 1991 and 1992 show that girls enter the labour force between the ages of 10 and 14 years, meaning that many have little schooling or have dropped out. As a result, they are segregated into the areas of least socio-economic importance, such as commerce and services.

The *Human Development Report* 1996 indicated that, of a total economically active population (EAP) of 3,112,455, 2,511,737 (80.7 per cent) were men and a

mere 600,718 (19.3 per cent) were women. The non-EAP of 4,026,203 consisted of 2,858,531 women and 1,167,672 men.

According to the latest studies, the female participation rate declined from around 24 per cent in 1989 to around 20 per cent in 1994 because of slow economic growth. At the same time, part of the economically active female population joined the informal sector, increasing the invisible underemployment rate. According to a 1992 study by the Regional Employment Programme for Latin America and the Caribbean (PREALC), that rate rose from 43.6 per cent in 1986 to 56.4 per cent in 1989.

According to *Mujeres y Mundo Laboral en Guatemala*, the unemployment rate is 3.2 per cent for women and 2 per cent for men. The Ministry of Labour statistics report an unemployment rate of 1.7 per cent for women and 2 per cent for men.

As a result of the internal armed conflict (1966-1996), many women became heads of household. According to Nineth Montenegro of the Congressional Committee on Women, Children and the Family, 43 per cent of Guatemalan women are heads of household and they contribute almost 40 per cent of family income.

The distribution of the economically active population among economic sectors is as follows: agriculture, 6.4 per cent women and 93.5 per cent men; manufacturing, 19.9 per cent women and 80.1 per cent men; commerce, 40.3 per cent women and 59.6 per cent men; and services, 79.8 per cent women and 20.1 per cent men.

Equal conditions in the workplace

Based on article 4 of the Constitution, which embodies the principle of equality of men and women, and article 102 (a), which recognizes freedom of choice of employment on economic terms that meet the basic needs of the worker and his/her family, the right of women to choose the occupation they want is being recognized.

Moreover, the Labour Code establishes that only by decision of a competent authority, based on the law and for reasons of public order, can a person's right to work be restricted. Accordingly, by signing a contract of employment, which is what binds them in a labour relationship, employer and worker acquire rights and obligations, including the obligation to provide the same employment conditions for men and women and a prohibition against fundamentally or permanently altering any of those conditions, for instance: the execution of the work, the way in which it is done, the time required to do it, the place in which it is done, and the compensation which the employer is required to pay the worker by virtue of the labour relationship (wage, bonuses, Christmas bonus, paid holidays).

According to *Mujeres y Mundo Laboral en Guatemala*, the obstacles to women's access to work and to equal employment conditions derive from three factors:

1. Gender differentiation, in which men perform some activities and women perform others.

2. Class differentiation, in which members of different classes engage in different occupations.

3. Ethnic differentiation, in which the ethnic groups living in conditions of subordination in Guatemalan society tend also to form labour "ghettos".

In an effort to eliminate employment discrimination against women, the Ministry of Labour and Social Security adopted Ministerial Agreement No. 11-94 of 3 March 1994 creating a Section for the Advancement and Training of Working Women within the Department of Social Security, one of whose functions is to ensure respect for the rights of women workers in coordination with the National Office for Women's Affairs (ONAM).

The aims of the Section, which is assisted by the Labour Inspectorate, include the following:

1. Promote action to facilitate women's equal participation in the workplace by encouraging intersectoral and inter-institutional coordination.

2. Ensure that women enjoy equitable conditions in the workplace, are free to choose their employment and are protected against unemployment.

3. Support the actions of the Ministry of Labour and Social Security in implementing the provisions of the Peace Agreements relating to working women.

4. Make employers aware of women's labour rights.

5. Promote the creation of childcare arrangements in women's workplaces.

6. Plan and develop activities for working women in special situations, such as women heads of household, immigrant women, etc.

7. Help women to exercise their labour and citizenship rights.

8. Publicize women's labour rights through the mass media.

The Section provides nationwide coverage through the regional offices of the Ministry of Labour and Social Security. Since its creation, it has conducted a total of 48 training sessions and 12 seminars per year and provided legal assistance to a total of 1,100 working women.

The Department of Social Security in the Ministry of Labour and Social Security also has a Social Assistance for Women Workers Section, which plans, executes and evaluates projects that promote income-generation and provides training, advice and credit assistance to women workers living in poverty or extreme poverty in rural communities of the country's interior or in marginal areas of the capital city. Its objectives include the following:

1. Provide the poorest and most vulnerable population groups with training opportunities, credit and assistance in community organization and self-management, in order to improve their standard of living and help consolidate peace and democracy.

2. Create and expand production units.

3. Reduce the rates of poverty and extreme poverty.

4. Reduce the unemployment rate and promote self-employment.

5. Provide training and advancement for women in the informal sector of the economy.

6. Promote and encourage community organizations.

The Section's programmes include the "Trickle Up" grant programme, the solidarity fund microcredit programme, and training and coordination.

The outcomes of the various projects are as follows: 20 women's groups organized; 20 communities assisted; 30 seminars and training workshops conducted; 1,216 women microentrepreneurs and leaders; 200 credits granted; 1,545 people trained as microentrepreneurs, leaders and volunteer coordinators; and 691 indirect beneficiaries.

The areas assisted are the departments of Quiché, Alta and Baja Verapaz, Quetzaltenango, Totonicapán, Chimaltenango, Sacatepéquez and Guatemala. The production activities promoted are: shops selling articles for everyday use, animal raising, crop growing, sale of prepared food, fruit and vegetables, production and marketing of traditional textiles, sale of clothing and shoes, production of piñatas and sale of perfumes and cosmetics.

In August 1991, the Ministry of Labour and Social Security signed an agreement with ILO and the Government of Spain on the execution of a Central American project to support labour integration and income-generating activities for disabled persons. By Ministerial Agreement No. 12-94 of 3 May 1994, a Section for Disabled Workers was created to facilitate the full rehabilitation of disabled persons through work and promote coordination among entities and associations dealing with disabled persons and employment. In 1993, 106 disabled persons were registered, of whom 26 were women aged between 28 and 53 years and 80 were men aged between 21 and 54.

In 1992, the Ministry of Labour and Social Security created a Unit for Child Workers to ensure the protection of child workers under the current legal framework governing child and juvenile labour. Its work is reflected in the new Code for Children and Adolescents, adopted in October 1996.

The National Office for Women's Affairs in the Ministry of Labour and Social Security has submitted draft amendments designed to promote women's participation in the country's development process. These include amendments to the Labour Code, the State Pensioners Act, the Act organizing the Guatemalan Social Security Institute, the Civil Code, the Elections and Political Parties Act, the Health Code and the Development Councils Act.

Although the Constitution and the Labour Code recognize the principle of equal employment conditions, there are three types of work, regulated in chapters 2, 3 and 4 of title IV of the Labour Code, in which women's labour rights are violated, namely, agricultural work, domestic work and home-based work.

Domestic work

Domestic work is referred to as domestic service and is performed in private homes, mainly by poor women with little or no schooling. Legal working hours are often exceeded and social benefits are rarely provided.

According to the Tenth Population Census, 1994, 79.8 per cent of women are engaged in the provision of community, social or personal services, of whom 40.2 per cent work in the wholesale or retail trade.

Guatemalan labour law regulates domestic work by providing a minimum level of protection, including:

1. The right to receive a wage for the work performed, in addition to receiving room and board.

2. The employer's obligation to pay the employee a Christmas bonus equal to 100 per cent of his or her monthly wage in December of each year, 50 per cent of which may be paid in the first half of December and the remaining 50 per cent in the first half of January.

3. Pursuant to Congressional Decree No. 42-92, public and private sector workers are entitled to receive an annual bonus equal to 100 per cent of their monthly wage in the first half of July of each year.

4. Women domestic workers are entitled to the days off and one day off a week stipulated in the Labour Code.

5. In case of illness, the Labour Code stipulates the following in respect of domestic workers:

(a) If the employer or persons living in the home where the worker is employed has a contagious or infectious illness, the worker is entitled to consider his or her contract terminated.

(b) If the worker has a minor illness which renders him or her unfit for work during a week or less, the employer must obtain medical care and medicine for him or her. If the illness is not minor and the worker is rendered unfit for work for more than a week, the employer is entitled to terminate the contract unless he avails himself of the provisions of article 67 of the Labour Code.

(c) If the worker contracted the illness directly from the employer of from the persons living in the home, the worker is entitled to full payment of his or her wages until he or she is completely recovered and to payment of the costs incurred as a result of the illness.

(d) In any case of illness requiring hospitalization or isolation, the employer must arrange for the domestic worker to be accommodated in the nearest hospital or charitable institution and pay the reasonable costs of transportation and other emergency care, immediately informing the worker's next of kin.

(e) If the domestic worker dies in the employer's home as a result of the illness, the employer must pay the reasonable costs of burial. If the worker is eligible for benefits from the Guatemalan Social Security Institute, he or she will be subject to the rules and regulations of the Institute relating to sickness benefits.

In response to the problems faced by women in this area, there are five non-governmental organizations in Guatemala which provide training to women domestic workers to help develop their potential and self-esteem: the Centro de Apoyo para la Trabajadora de Casa Particular (CENTRACAP), Casa San Benito, Casa Siervas de San José, Conrado de la Cruz and Maria Auxiliadora.

CENTRACAP is a private, non-profit, development organization which was founded in March 1990 with the aim of helping to improve the living conditions of Guatemalan women. Its functions include:

1. Making women domestic workers value themselves and helping them fight to ensure that other people respect them as women and workers.

2. Raising the awareness of women domestic workers so that they can obtain higher earnings.

3. Providing an organized setting in which women domestic workers can discuss the causes of their problems.

4. Educating and raising the awareness of women domestic workers so that they can improve their employment opportunities and their earnings.

5. Offering women domestic workers opportunities for recreation, companionship, friendship and solidarity as a means of ending their isolation and loneliness. The services it provides are the following: formal education (literacy, accelerated primary, basic secondary); technical training (cookery, handicrafts dressmaking and typing classes); education on social and human issues (national situation, women's issues, sexuality, culture, social organization, women's rights); Sunday childcare services, shelter, legal advice and medical services.

CENTRACAP is based in Guatemala City. Its structures are: a 200-delegate general assembly; a board of directors made up of eight women (chairperson, vice-chairperson, secretary, treasurer and four members) responsible for running the Centre and representing its members; an executive committee made up of four women who are responsible for the overall administration and coordination of the Centre; and a group of women who provide technical support for the Centre's work. The Centre drafted a bill regulating domestic employment (employment in private homes) whereby such employment would be subject to the same legislation as employment in industry and the formal commercial sector and domestic workers would have access to social security and other benefits.

Agricultural work

Labour legislation does not specifically regulate women's agricultural work. Such work is governed by title IV of the Labour Code, on jobs subject to special regulations because of their seasonal nature, and women and children are usually treated as helpers of the male agricultural worker, who is paid a wage while the woman's productive activity remains invisible.

According to a 1993 study by Ana Silvia Monzón of ONAM reviewing State policies with regard to women and work, for the 60 per cent of women who live in rural areas, agriculture is the activity in which their employment is most underreported.

Women's agricultural work involves food crops such as corn, beans and other vegetables which are grown for sale on a small scale and traditional crops such as coffee, sugar and bananas which are grown on plantations in the south-east of the country and employ large numbers of indigenous women seasonal migrants from the western altiplano and *ladina* women.

The Ministry of Labour and Social Security, in fulfilment of ILO Conventions No. 88 concerning the Organization of the Employment Service, No. 97 concerning Migration for Employment, No. 111 concerning Discrimination in respect of Employment and Occupation and No. 122 concerning Employment Policy, as well

as the provisions of the Constitution and the Labour Code, has implemented the following programmes:

1. Programme for the protection of the labour rights of Guatemalan seasonal migrant agricultural workers who migrate to work on farms and plantations in southern Chiapas, Mexico. This programme advises workers on their labour rights and obligations and on their right to go to Guatemalan consulates in Mexico for help if their rights are violated.

2. Training programme for seasonal migrant agricultural workers, labour recruiters and contractors, and staff of the Ministry of Labour and Social Security working in the border area who deal with immigrant workers and are responsible for the registration, monitoring and oversight of local employment offices in Guatemala and Mexico.

3. Programme to publicize the labour rights of seasonal migrant workers.

Following the binational meeting on seasonal agricultural workers who migrate between Mexico and Guatemala, the format of the identity document which the Ministry had proposed for Guatemalan seasonal agricultural workers was finalized.

Radio spots were produced in the four main Maya languages, informing workers about their labour rights and about the legal advice provided by the regional employment offices that keep record of such workers.

Employment policy

Pursuant to the Governmental Agreement of 23 December 1957 on the strengthening of the public employment service, flexible procedures have been introduced to facilitate the provision of public recruitment and placement services. A programme was set up to publicize the services provided by the National Employment Department, involving the distribution of 10,000 leaflets to employers and workers. In 1997, 1,971 people were registered and the number of job vacancies rose by 949, a 36 per cent increase over 1995. The number of firms using the job placement service to hire workers was 570, 15 per cent more than in 1995. A total of 2,007 people were referred to workplaces, of whom 676 were hired, a 24 per cent increase over 1995.

There are also non-governmental women's organizations in Guatemala whose functions include teaching women about their labour rights. Since Guatemala is a multicultural, multi-ethnic and multilingual country, the Ministry of Labour and Social Security and the "Mujer Vamos Adelante" association, with USAID support, executed a project entitled "Dissemination and teaching of labour rights and obligations in Maya languages".

Access to social security

The Constitution guarantees the right to social security. The Guatemalan Social Security Institute (IGSS) is the lead agency for social security, but its regulations apply to workers in the formal sector only and for women with regard to maternity protection.

When the Institute was set up, it provided medical, hospital and industrial injury coverage. In 1971, it introduced disability, old-age and survivors' benefits.

According to *Mujeres y Mundo Laboral en Guatemala*, in 1991 an estimated 39 per cent of the economically active population or, if one includes their dependents, around 23 per cent of the total population of Guatemala were protected against risks in receiving their regular incomes; of these, 17 per cent were covered by IGSS.

The Act organizing the Guatemalan Social Security Institute does not grant the same benefits to male and female members, in that the spouse or partner of a female member receives no benefits even though women pay the same percentage of their wages as men to the social security scheme.

One improvement made by Congressional Decree No. 99-97 was the amendment of Congressional Decree No. 63-88 containing the State Pensioners Act. Article 25 of Decree No. 99-97 establishes that in calculating the amount of the retirement pension, periods of maternity leave will no longer be treated as breaks in contributory service, even if the woman does not pay contributions during such leave, but rather as time worked, thereby expanding the protection of maternity as a social function.

The ONAM Women and Legal Reforms project submitted to the Congress of the Republic a set of draft amendments to Congressional Decree No. 195 containing the Social Security Act. The purpose of the amendments, which are currently being studied, is to eliminate the provisions of the current Social Security Act that discriminate against women.

Protection of maternity

Title IV, chapter two, of the Guatemalan Labour Code regulates work subject to special regimes. This includes work done by women, since they are treated as a vulnerable population group. With regard to maternity protection, articles 151 to 155 of the Labour Code establish the following minimum rights for women workers:

Article 151 (c) prohibits the dismissal of a woman worker who is pregnant or nursing, stipulating that she may be removed from her job only with good cause based on a serious breach of her contractual obligations, in accordance with article 177 of the Code. In that case, before he can dismiss the woman, the employer must apply to the labour courts and prove the contractual breach, and the dismissal can take effect only after the court has given its express authorization in writing. If the employer fails to follow this procedure, the woman can go to court to exercise her right to reinstatement in the same job and is entitled to payment of the wages which she would have earned had she not been dismissed.

The Labour Code also gives working mothers the right to 84 days' prenatal and post-natal leave in accordance with ILO Convention No. 103, which Guatemala has ratified.

Thus, article 152 (as amended by article 12 of Congressional Decree No. 64-92) stipulates that a working mother is entitled to 30 days' prenatal and 54 days' post-natal leave with full pay. Any days of prenatal leave that she is unable to take

before the birth must be added to her post-natal leave, so that she effectively enjoys 84 days' leave during this period.

Article 153 (as amended by article 13 of Congressional Decree No. 64-92) stipulates that during the breastfeeding period a woman worker may take two 30-minute breaks a day from her work in order to nurse her child. She may combine the two 30-minute breaks to which she is entitled and come to work an hour after the start of the working day, or leave an hour before it ends, in order to nurse her child. Her employer must pay her for the hour in question and his failure to do so will incur a penalty.

The breastfeeding period must be calculated from the day on which the woman returns to work and lasts for 10 months, unless it has to be extended on medical grounds.

The above articles show that labour law treats maternity leave and breastfeeding breaks as an individual, partial suspension of work under which the woman worker ceases to provide her services and the employer remains obligated to pay her the corresponding wage. This protects stability of employment in job contracts.

Employers are also required to provide a place for mothers to nurse their children during the working day. Such places must be staffed by appropriate child-care workers.

To enforce labour regulations, title VIII, chapter two, of the Labour Code as contained in Congressional Decree No. 1441 imposes sanctions for non-compliance with the minimum established norms. These norms include maternity protection measures, and the relevant provisions are reproduced below.

Article 272 stipulates that, unless special provision is made otherwise or the nature of the act or omission is such that the ordinary courts may impose different penalties, all breaches of employment or social security provisions shall be punishable as follows:

> "(a) Any breach of a minimum norm shall give rise to the imposition of a fine of between 1,500 and 5,000 quetzales."

Through the Ministry of Labour and Social Security, in coordination with the Commission on Breastfeeding, the Ministry of Health and Social Welfare, the Guatemalan Social Security Institute and other governmental and private bodies, Guatemala has taken action to help working women care for their children, including setting up workplace child-care centres and breastfeeding support centres, providing nutrition and child-care counselling for mothers and motivating the business sector to help enforce the corresponding measures.

The Labour Inspectorate of the Ministry of Labour and Social Security, as the body responsible for the enforcement of labour rights, has handled cases of women dismissed during pregnancy or the breastfeeding period and has brought proceedings before the labour courts to punish employers for such breaches of labour norms. It has also strengthened the inspection system by decentralizing the Ministry's functions to 22 newly created departmental labour inspectorates. Local offices have been set up in the border area, in Tecún Umán and El Carmen in the department of San Marcos, to assist, monitor, register and oversee Guatemalan seasonal agricultural workers who migrate to southern Chiapas in Mexico.

In 1981, pursuant to the recommendations of the Sixth Inter-American Conference of Ministers of Labour held in Lima, Peru, in 1978, the National Office for Women's Affairs (ONAM) was set up within the Ministry of Labour and Social Security as the lead agency for the formulation of policies relating to women. Ten departmental offices are now in operation, in Huehuetenango, Quiché, Quetzaltenango, Sololá, San Marcos, Totonicapán, Chimaltenango, Baja and Alta Verapaz and Petén. The fact that ONAM is made up of governmental and non-governmental representatives enables it to raise public awareness of the importance of women's participation in different spheres of Guatemalan society.

The Office's functions include teaching and disseminating women's rights and conducting research into the situation of Guatemalan women. Its Women and Legal Reforms project has disseminated the Act on the Prevention, Punishment and Eradication of Domestic Violence, through audio-cassettes in the four main Maya languages and Spanish distributed as a teaching aid for training programmes on women's human rights.

On 7 and 28 October 1998, respectively, the plenary Congress of the Republic approved in first and second reading the bill for the advancement and all-round development of women, which builds on the commitments made in the Beijing Platform for Action, at the International Conference on Population and Development, in the Convention on the Elimination of All Forms of Discrimination against Women and in the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women and on the legislative obligations in favour of women deriving from the Peace Agreements. The bill also provides for valuing women's work equally with men's and giving visibility to women's work in agriculture.

Article 12
Access to health care

The lack of comprehensive health care for Guatemalan women affects their individual and social development. In health, as in other areas of the development process, Guatemalan women and girls have been confronted with an organizational structure and philosophy whose perception and image of women is based on the idea that their sole function is reproduction and that their needs are therefore limited to maternal and child health and gynaecological and obstetric services. This approach completely ignores a series of needs and risks that they confront daily in their reproductive and non-reproductive lives.

The above helps to explain the state of health of Guatemalan women and girls, who suffer from high rates of protein-calorie malnutrition and vitamin A, iodine and iron deficiency. In the case of pregnant women, this puts them at high risk for giving birth to small, low-birth-weight babies.

Studies made by UNICEF in Guatemala indicate that, where health is concerned, there is a marked difference between girls and boys in urban and rural areas, and also if we compare the *ladino* and indigenous populations, accounting for 25.7 per cent of the urban population and 36 per cent of the rural population.

Moreover, the philosophy underlying Guatemala's health system in the past favoured treatment over education and prevention, and this had an obvious impact

on the organization, distribution, structuring and concentration of health budgets in relation to social indicators of health.

The Government's programme for 1996-2000 outlines a new model of decentralized health care under which activities and decision-making are transferred to local structures and people are encouraged to look after their health, so that health care coverage can be increasingly targeted to vulnerable groups (women and children) and greater emphasis can be placed on preventive health care and health education.

The Guatemalan Social Security Institute is also in the process of expanding its coverage to include not only treatment but also preventive activities.

With regard to the planning of a national policy for human development, children and youth, the main goal is to improve health conditions with emphasis on women and children, recognizing the existence of malnutrition among pregnant women.

Administrative policies and measures for access to health care

In 1989, the Ministry of Public Health and Social Welfare set up the Women, Health and Development programme, which carries out specific activities for women and trains health-care staff in a gender and health perspective. This process has made it possible to identify gender discrimination in the provision of health-care services and to raise awareness of the need to avoid it. The programme has also promoted the study of the main causes of disease; research into domestic violence and its relationship with health; and the planning of activities that focus on specific groups who suffer other kinds of discrimination, such as indigenous women, women prostitutes and rural women.

Through the Women, Health and Development programme, the Ministry of Public Health and Social Welfare is currently implementing a number of projects, namely:

Indigenous women's project

This project covers the municipalities where Quiché and Kachiq'el groups live, in the health areas of the departments of Chimaltenango, Sacatepéquez and Baja Verapaz. It began by focusing on the health and living conditions of indigenous women and on issues of Western and traditional medicine and subsequently succeeded in mobilizing eight councils of indigenous women within their villages to make them aware of their health, their health needs and gender issues.

The indigenous women thus mobilized have raised awareness among other groups of women and men in their communities. The formation of these groups has been encouraged by the institutional staff of local health centres or health posts by identifying women leaders or women who have worked in the health area.

The councils comprise between 15 and 20 bilingual women, some of whom can read and write, who carry out health education activities through literacy teaching and by travelling to other locations such as villages, hamlets and places where the population is scattered. They hold meetings at which health education talks are given, focusing on the community's needs and how to solve them. This

process also raises awareness of the relationship between gender and health in indigenous communities and is designed to increase indigenous women's self-esteem and their attention to their own health.

The target population directly involved in the outcomes and execution of project activities comprises: indigenous women health leaders (health outreach workers, midwives, educators), women community leaders identified by women's groups, local health authorities, health service staff and other local authorities (the Church, schools, municipal leaders).

The recipient population was defined as people who may or may not be directly involved in the execution of project activities but who benefit from them.

The project's achievements include the following:

1. Partial institutionalization of the project through a strong process of dissemination and training.

2. Creation of forums in the provinces through the formation of local groups of the Ministry of Public Health and Social Welfare.

3. Holding of workshops with indigenous women to develop a national indigenous women's project.

4. Dissemination of development policies for women.

5. Formation of an inter-programme group to work on the changeover to a gender perspective in health programmes.

6. Support for national priorities through the Indigenous Women's Project.

7. Production of a methodology and a handbook for training staff in sex/gender theory.

8. Second one-week course on sex/gender and health for institutional staff.

9. Production of community handbooks for sex/gender training.

10. Formation of a coordinating board of women from different institutions to evaluate the situation of women.

11. Training of groups of facilitators in gender and health.

12. Systematization of training in gender and health, gender and violence, self-esteem, health self-help, gender-analysis methodology and planning for gender with institutional extension workers and health area representatives.

13. Elimination of sexist stereotypes from materials used for training and research purposes in health programmes.

14. Launching of Pap test days and training days on medicinal plants.

15. Production of radio programmes by indigenous women to promote women's health, and design of the health self-help handbook.

17. Production of the plant-treatment handbook. Making the councils self-sustaining by giving them legal personality.

18. Negotiation by municipalities of the implementation of the Indigenous Women's Project and promotion of reproductive health, as part of the strengthening of local organizations with the participation of men and women.

19. Formation of an inter-programme group to mainstream a gender perspective at the operational level.

Domestic violence project

In the period from 1995 to 1998, this project was consolidated in the health area of the municipality of Santa Lucía Cotzumalguapa in the department of Escuintla. In its first phase, it applied methodologies and materials with a gender content and dealt with domestic violence using the model of women's comprehensive health care.

In 1997, the health areas of the departments of Zacapa and Guatemala north were incorporated in the project. This phase of the project involves techniques for dealing with battered women who come into contact with the health services, where they receive physical and psychological care, and the organization of women's self-help groups at the community level. In the health care area, staff are trained in the technique of responsible listening to ensure that battered women's cases are handled in accordance with technical guidelines.

A standard form for reporting cases of domestic violence was designed, as well as a form for referrals to other bodies dealing with such cases. In designing the standard form and thereby seeking to end the cycle of violence against battered women, coordination was established with, inter alia, the Office of the Human Rights Procurator through the Office for the Defence of Women's Human Rights, the Congressional Committee on Women, Children and the Family, the National Statistical Institute, the Judicial Statistics Department, the University of San Carlos and the Public Prosecutor's Office. The Ministry of Public Health and Social Welfare also managed to incorporate the recording of intentional and unintentional injuries in reports on cases of domestic violence.

The project's achievements are the following:

1. Partial institutionalization of the project through a process of dissemination and training.

2. Research on domestic violence involving battered women who go to the health services, and increased visibility of reports on cases of domestic violence.

3. Formation of a coordinating board of women from different institutions to evaluate women's human rights situation.

4. Design and application of the protocol for the care of battered women at the normative and operational levels.

5. Formation of a local Gender, Health and Violence network made up of 30 midwives in the community of Santa Lucía Cotzumalguapa, Escuintla.

6. Training of 75 people in masculinity and femininity and design of the research project "Critical route followed by persons affected by violence".

7. Updating of the legal studies on domestic violence made in the period 1990-1994 and mainstreaming of a gender approach in the planning process in technical programmes.

8. Dissemination of the Act on the Prevention, Punishment and Eradication of Domestic Violence.

9. Technical support for women community leaders and consolidation of the care that midwives provide to battered women with institutional support.

The reform of the health sector has made it possible to give priority to comprehensive health care for women, implementing methodologies that guarantee quality care with equity. The development of comprehensive health self-help through the women's councils has resulted in safe motherhood, thereby helping to reduce maternal morbidity and mortality rates.

Despite the actions carried out in communities by these two projects, there are constraints on their coverage, for instance, the fact that the pace of awareness-raising on women, gender and health and men, masculinity and health has been slow and there are no reliable statistics which reflect the overall well-being of Guatemalan women.

Reproductive health

Guatemalan women have numerous children partly because mothers are poorly educated and do not know about sex education and family planning programmes and methods and partly because there are limits on women's autonomy to make decisions about their quality of life and the number of children they want. Moreover, masculinity is measured socially by the number of children a man fathers. In rural areas, children are seen as a workforce for the parents and as a potential source of income.

The National Survey of Maternal and Child Health carried out in 1995 by the National Statistical Institute and covering the period 1993-1994 shows that even though women's fertility has declined, it remains the highest in Latin America, with an average rate of 5.1 children per mother: 3.8 in urban areas and 6.2 per cent in rural areas. Indigenous women account for 60 per cent of women of childbearing age and 70 per cent of births.

Both the impact of ideology on the community and the influence of lack of formal and informal education on the couple are obvious, as are the consequences of all this for the social development process in general.

With regard to prenatal and childbirth care, recent national statistics indicate that 55 per cent of children born in the past seven years (1990-1997) were protected against tetanus by administering tetanus toxoid to mothers during pregnancy. Anti-tetanus injections were given to mothers under the age of 35, rural mothers, mothers in the north-east and central regions, mothers who have completed primary education, mothers giving birth for the fourth time and *ladina* mothers.

Currently, 53 per cent of mothers received professional medical care (from a doctor or nurse) during pregnancy. This figure drops to under 40 per cent of pregnancies for women living in the north-west region; women in the departments of Chimaltenango, San Marcos and Huehuetenango; indigenous women; and women with no educati n. However, a large percentage of women in these groups receive

prenatal care from midwives. Doctors assist in 31 per cent of births to indigenous women and only 38 per cent of births to *ladina* women.

The 1995 National Survey of Maternal and Child Health shows that the mortality rates of Guatemalan women, especially indigenous women, again place them in a socially disadvantaged position and make them the object of cultural preconceptions. This is obviously influenced by factors such as women's lack of or limited schooling, reflected in the fact that 28 per cent of women of childbearing age have no education, 47 per cent have completed primary education, 21 per cent have completed secondary education and only 3.1 per cent have completed university education.

To combat the high rates of maternal mortality, a national plan for the reduction of maternal mortality is being carried out with UNFPA support in 20 municipalities, under which the quality of care is being improved, community participation is being promoted and the training of health personnel is being upgraded. Through this plan, community health care alternatives have been developed, such as the training of traditional and institutional birth attendants and the establishment of district maternity centres combining nutrition, breastfeeding and accommodation components (see attached table on maternity care and the Ministry's infrastructure).

Article 13
Access to social benefits

Right to family benefits

The Guatemalan social security scheme is a single, compulsory nationwide scheme based on the latest and broadest principles governing this area. Its aim is to provide protection to the entire population of the country; it obtains its funds from earnings-related contributions and its benefits are distributed to each contributor or his economically dependent family members. The quantity and quality of these benefits are compatible with what the public interest and social stability require them to be.

The social services provided to workers in Guatemala are regulated by the Labour Code, the Act organizing the Guatemalan Social Security Institute and its implementing regulations and the State Pensioners Act. Those services are provided to the formal sector as follows:

Programmes of the Guatemalan Social Security Institute

Social security programmes:

– Sickness and maternity

This programme covers maternity and ordinary illness and provides monetary benefits and medical care; it is funded by tripartite contributions, comprising 2 per cent of the worker's wages, 4 per cent from the employer and 2 per cent from the Government.

To be entitled to these benefits, workers must have paid at least three months of contributions in the six months preceding their illness and have a permanent job.

Under the sickness benefit programme, workers receive the equivalent of two thirds of their average earnings, up to a maximum of 2,400 quetzales a month. Under the maternity benefit programme, working mothers receive the equivalent of their full earnings, payable for 30 days before and 54 days after childbirth. The number of cases handled in 1996 was as follows: registration of new members, 15,720 (6.2 per cent), beneficiaries, 23,505 (5.3 per cent), maternity visits: first visits, 38,572 (2.4 per cent), follow-up visits, 140,911 (1.9 per cent), emergencies, 51,381 (9.2 per cent).

The medical benefits granted to members comprise medical care provided directly by the Institute's services, including general and specialized care, surgery, maternity care, hospitalization, medicines, laboratory services, prostheses, transport and physical and occupational therapy, and treatment abroad, which may be authorized up to a maximum of US$ 15,000.

– Medical benefits for dependants

The Institute provides the same maternity benefits to the wife or partner of a member as to a woman member, as well as sickness and accident benefits. The natural children of members receive a food benefit consisting of milk and other nutritional products, as well as paediatric care during the first five years of life and medical care up to the age of 15 for a congenital disease or deformity. In 1996, the Institute supplemented these benefits by distributing 838 basic layettes, 10,598 pounds of milk and 229,307 pounds of Incaparina.

– Old-age, disability and survivors' benefits

This programme covers all wage-earners, agricultural workers and public sector employees. Its funds come from tripartite contributions, with workers contributing 1.5 per cent of their earnings, employers contributing 3 per cent of the payroll and the Government contributing 25 per cent, as well as its employer's contribution. The maximum income for benefit purposes is 4,000 quetzales a month.

To qualify for an old-age pension, the covered person must fulfil certain requirements:

1. Have reached 60 years of age.
2. Have contributed to the scheme for at least 180 months.
3. Have retired from his/her most recent employment.

The pension benefit received is equivalent to 50 per cent of the average monthly income for the last five years of contributory service, increased by 0.5 per cent of such income for every six months of contributory service in excess of 120 months.

To qualify for a disability pension, the covered person must:

1. Have two-thirds earnings capacity (one half to two thirds for partial incapacity).
2. Have contributed to the scheme for 36 months out of the past six years.

3. Be under 60 years of age.

The benefit is equivalent to 50 per cent of the average monthly income for the last three years of contributory service, increased by 0.5 per cent of such income for every six months of contributory service in excess of 120 months.

If the covered person dies having met the contributory requirements for obtaining a disability or old-age pension, or was already receiving such a pension, eligibility is conditional on having paid contributions for the last 36 months of the past six years. The benefit is equivalent to 50 per cent of the disability pension paid or payable to the covered person.

The supplementary payments for dependants are: 10 per cent of the pension for a wife or a disabled husband and 10 per cent for each child under the age of 18 or for a disabled child. Orphans are entitled to 25 per cent of the covered person's pension or, if they are aged under 18 and have lost both parents, 50 per cent.

The Labour Code stipulates that if a worker was not covered by the Institute at the time of his or her death or if the worker's economic dependants are not entitled to his or her benefits, the employer must pay one month's wages for each year of service provided by the worker.

– Social benefits for State employees

Decree No. 63-88 containing the State Pensioners Act, as amended by Congressional Decree No. 40-93, establishes social benefits for employees and their families, including the following:

– Survivors' benefit

The surviving spouse of a State employee, the minor children and, in the absence of the latter, such children as are legally declared to be under his or her guardianship are entitled to a special pension equivalent to 100 per cent of the amount of the retirement pension to which the employee would have been entitled, provided that the employee has 10 years of continuous service and has contributed to such pension. If the employee has less than 10 years' service, the payment is prorated.

– Retirement benefit

State employees are also entitled to a retirement pension, which is calculated on the basis of the average remuneration paid during the employee's last five years of service.

– Orphans' benefit

This benefit is designed to assist specific descendants of a State employee who dies for any reason. Minor children, disabled children and children who can demonstrate that they are students are eligible for this benefit up to the age of 21. The benefit is equivalent to 100 per cent of the retirement pension to which the employee would have been entitled.

– Widow's/widower's pension

This pension is payable to the surviving spouse or judicially recognized partner and is equivalent to 100 per cent of the retirement pension to which the deceased employee would have been entitled.

– Survivors' insurance

On 6 June 1990, Governmental Agreement No. 636-90 set up the National Association to Assist the Survivors of Public and Former Public Employees (ANAPEP), which on the death of a State employee pays the employee's designated beneficiaries insurance amounting to 20,000 quetzales.

– Access to credit

Guatemala's banking and financial legislation does not distinguish between the sexes in granting loans and mortgages. The banking system treats everyone, male and female, as potential borrowers, meaning that they must fulfil certain requirements in order to obtain a loan. Unfortunately, the banking system keeps statistics only on the total loans granted; there are no gender-disaggregated statistics.

Currently, there are governmental and non-governmental organizations in Guatemala which, in promoting programmes and projects to combat poverty, have taken action to improve the status of women, as described in this report in relation to articles 2, 3 and 14 of the Convention.

Projects carried out by non-governmental organizations to integrate women in production include the following:

Financial Advisory Foundation for Development and Social Service Institutions (FAFIDES)

FAFIDES was founded in 1986 by members of the Guatemala City Rotary Clubs in response to the need to increase the service coverage of the private development agencies working to solve the problems of the most vulnerable sectors of society. Initially, it provided technical assistance and financial management for the execution of social projects in the areas of health, education, drinking water supply, institution-building and handicrafts development.

In 1989, it launched a programme of credit assistance to women's groups in rural areas known as "community banks", benefiting women in different parts of the country. The community banks are groups of 20 to 30 women who generally have no access to conventional sources of credit and want to better themselves; they organize in order to receive funding, training and technical assistance and engage in production activities that help generate income and savings for themselves and their families.

All FAFIDES beneficiaries are women and 95 per cent of them are of indigenous origin. They range in age from 18 to 65, only 30 per cent of them are fluent in Spanish, their educational level is low, many of them are illiterate and it is difficult for them to obtain access to the services of government programmes such as education and housing.

The programmes cover single mothers, widows and wives who in one way or another contribute all or part of their household's economic support. Their average monthly income is under 1,000 quetzales while their annual sales vary between 36,000 and 50,000 quetzales.

FAFIDES is currently assisting 162 community banks in eight departments, supporting 3,863 women members. It is estimated that it has generated 15,452 jobs and that it has a total of 23,178 indirect beneficiaries among members' families. In 1995, it granted 6,000 quetzales; in 1996, 15,470 quetzales; in 1997, 23,100 quetzales; and in 1998, 26,963 quetzales. It should be noted that women's late payment rate on the credits granted is 0 per cent.

Maya Centre for Community Development (CEMADEC)

The Centre was set up in 1993 at the initiative of a group of individuals representing community organizations, such as farmers' associations, cooperatives, women's groups and youth groups, as a means of initiating intercommunal coordination, exchanges and cooperation.

The Centre is a non-governmental, non-profit service organization which respects political and religious pluralism and reaffirms historical and cultural values, especially Maya values, in the search for ways of promoting the economic, social and cultural development of the Maya people and of Guatemalan society in general.

CEMADEC covers seven municipalities in the department of Sololá. Women's groups are carrying out projects such as: pig fattening, chicken fattening, chicken raising, community shops, mini-restaurants and coffee and onion growing.

The revolving fund programme has 450 direct beneficiaries, of whom 75 per cent are women and 25 per cent are men; the total number of indirect beneficiaries is 2,250.

Foundation for the Development of Indigenous Women

The Foundation carries out the "Talita Kumi" educational programme in the rural communities of K'eqchi people in the municipalities of northern Alta Verapaz.

Talita Kumi was launched in the area over 25 years ago by the Don Bosco Salesian monks. The idea of setting up an organized, officially recognized programme gave rise to the establishment of the Talit Kumi Centre in 1991, as part of a Salesian project entitled "Integrated rural development of Q'eqchi villages of Guatemala". The necessary infrastructure was built with assistance from the Kellogg Foundation.

The Centre's objectives include: promoting the organization and productive capacity of K'eqchi rural communities by educating women and training them as agents of rural change; executing educational programmes for young indigenous women in order to train them as community development promoters; organizing education programmes for community groups to build their capacity to manage their own small-scale projects for the benefit of the community and their families; and implementing a system of community services to support production projects and projects to meet the population's needs.

The number of students taught by the Talita Kumi Centre has increased from 160 to over 600 in the past six years, while the number of villages served has increased to 323 and the number of families benefiting from the extension programme has reached 15,665, with 78,325 people registered in the programme in 1998.

Talita Kumi has now become a joint executing agency with governmental organizations and national and international non-governmental organizations, through projects in the areas of health, agricultural production for food security, infrastructure, rural credit and the distribution of medicines. The main organizations include: the Ministry of Education, the National Literacy Committee, the Barna Network (Norway), the Social Investment Fund, the Ministry of Public Health and Social Welfare (integrated health care system (SIAS), PRESA, European Union), the Ministry of Agriculture and Food (SHARE, CARE, Catholic Relief Services, USAID), the Archdiocesan branch of Caritas, the Castillo Córdova Foundation and the World Food Programme.

The Centre provides credits to peasants whose possibilities of obtaining funds from traditional sources are limited, to enable them to increase their agricultural productivity.

Access to recreation

The Ministry of Culture and Sports has formulated a culture and sports policy for 1996-2000. With regard to artistic activities, the goals are the democratization of culture, a culture of peace, support for art and national artists and recovery of the national heritage with a view to cultural tourism and ecotourism.

The overall objective of cultural policy is to enable Guatemalan citizens and other residents of Guatemala fully to exercise their right to culture as recognized in the Constitution and in the Universal Declaration of Human Rights.

The culture and sports policy is designed to promote and encourage the population's active participation in cultural and sports activities, fully respecting their various expressions, and to facilitate the exercise of the right to culture and sports, especially in the areas affected by the internal armed conflict.

The policy of encouraging the population to participate in culture and sports provides equal opportunities for women and men. In reporting on article 10 of the Convention, this report provided information on the activities carried out by women in Guatemalan culture and sports.

Access to recreation for private and public sector workers

In accordance with Decree No. 43-92 amending Congressional Decree No. 1528 containing the Act setting up the Guatemalan Workers' Recreation Institute (IRTRA), male and female workers can use the Institute's recreational facilities for a small fee. The Institute is funded by 1 per cent of the 10 per cent of payroll that all employers are required to contribute monthly to the Guatemalan Social Security Institute.

On 15 February 1969, the Department of Recreation and Well-being of State Employees was set up within the Ministry of Labour and Social Security. Subsequently, Congressional Decree No. 81-70 provided for the creation of vacation and recreation centres for State employees. The Ministry of Labour and Social Security, through the Department of Recreation and Well-being and based on Ministerial Agreement No. 36-74 regulating the vacation centres for State employees, oversees the functioning of the six recreation centres.

Based on article 6 of Congressional Decree No. 81-70, public employees have one day's pay per year deducted from their salaries to fund and administer the recreation centres. Governmental Agreement No. 241-88 of 19 April 1988 also introduced the vacation bonus as a benefit for employees of the executive branch.

Article 14
Status of rural women

In the latest housing census conducted by the National Statistical Institute (INE), of Guatemala's total population of 8,331,874 people, 65 per cent, or 5,417,187 people, were living in rural areas and 35 per cent, or 2,914,687 people, were living in urban areas. Of the total female population of 4,228,569, rural women accounted for 64 per cent (2,706,283) and urban women accounted for 36 per cent (1,522,286).

Guatemalan society is made up of a number of socio-cultural and linguistic groups, principally Maya, *ladinos*, Garifuna and Xinca. According to the INE classification of the indigenous and non-indigenous population, the former total 3,476,684, or 42.8 per cent, and the latter, 4,637,380, or 57.2 per cent.

The distribution of female employment has been changing slowly but remains concentrated in four economic areas: agriculture, manufacturing, commerce and services, reflecting traditional perceptions of working women. Currently, 65 per cent of rural women are believed to work in agriculture, but this activity is under-recorded.

Agriculture is one of the means most frequently used by rural women as a subsistence and development activity. However, because it is viewed as an inherent part of domestic work, it tends to be unpaid. Although their activity is closely linked to the land, rural women have little access to land, credit or technology.

With regard to agrarian legislation and women's access to land, Congressional Decree No. 1551 containing the Agrarian Reform Act is based on the principle of gender neutrality, meaning that it does not discriminate against women in awarding land. The National Land Fund (FONATIERRA) was set up by Decree No. 754-92 to purchase land from private individuals who offered voluntarily to sell it to the State. Farms were awarded to the governing bodies of organized groups; once the farms were paid for, heads of family were awarded ownership.

Governmental Agreement No. 452-97 of 25 June 1997 set up the Presidential Office for Legal Assistance and Dispute Settlement in Land Matters (CONTIERRA), which provides free legal aid on request to peasants and agricultural workers and intervenes in land disputes to help settle them.

Based on the commitments made in the Peace Agreements, the Government of Guatemala, as indicated under article 3 in this report, is promoting peasants' access to land ownership, taking into account their economic and social situation, particularly that of women. The development strategies, plans and programmes implemented by each Government Ministry recognize the equal rights of men and women in the home, in the workplace, in production, in social and political life and in access to credit, land ownership and other resources.

It has been shown that indigenous women's lack of access to land is attributable to many factors, including the fact that in Guatemalan society men own the land and indigenous women are rarely given a share in it. With regard to access to credit, indigenous communities in general do not have the necessary means to obtain credit, such as good organization and property to secure it.

According to the records and statistics of the National Institute for Agrarian Reform (INTA), women's access to land has been minimal. Of the 116,209 land awards made by the Institute between 1954 and 1996, only eight per cent (9,240) were made to women. The types of land that women have obtained are lots, collectively-owned farmland, parcels, microparcels and jointly-owned family farmland. Aspects such as this will be improved by the implementation of the Peace Agreements and other Government action. As regards women's access to economic activities, the Guatemalan Housing Fund (FOGUAVI) grants loans to widows and single mothers to buy land and build housing, the only requirement being that there is a family nucleus (children or dependants). At this point, the Fund does not have gender-disaggregated statistics, but only statistics on the total loans granted through the various finance companies with which it works.

The Guatemalan Fund for Indigenous Development (FODIGUA) set up by Governmental Agreement No. 435-94 is designed to support and strengthen the sustained, self-managed human development process of indigenous people of Maya descent and their communities and organizations, in keeping with their world view. It has supported educational, health, cultural, social, production and infrastructure programmes, benefiting a total of 12,360 women in the period 1996-1997.

Projects subsidized by the Fund include the following: improved stoves, purchase of nixtamal mills and sewing machines, yarn for weavers, training of nurses, dressmaking schools, training of traditional birth attendants and handicrafts.

The Fund has four regional coordinating offices grouped according to linguistic characteristics:

Region I, covering the Mam, Jacalteco, Akateco, Chuj, Kanjobal, Tectiteco and Sipacapense linguistic communities living in the departments of Huehuetenango, San Marcos and Quetzaltenango.

Region II, covering the Poqomchi, Itza, K'eqchi, Mopan and Achi linguistic communities living mainly in the departments of Baja Verapaz, Alta Verapaz, Petén, Quiché and Izabal.

Region III, covering the Kiche, Awkateco, Uspanteco, Ixil and Sakapulteco linguistic communities living in the departments of Quetzaltenango, Quiché, Sololá, Totonicapán, Suchitepéquez and Retalhuleu.

Region IV, covering the Tzutujil, Ka'qchikel, Poqoman, Chortí and Xinka linguistic communities living in the departments of Sololá, Chimaltenango, Guatemala, Escuintla, Jalapa, Chuiquimula and Santa Rosa.

Since 1993, based on the agenda for the reactivation and modernization of agriculture, the Ministry of Agriculture and Food has been promoting policies and programmes of work in support of rural women through its bilateral inter-institutional committee for rural women (MAGA-Mujer Rural) set up by Ministerial Agreement 650-94 as the lead agency for the overall strengthening of the agricultural sector, creating new opportunities for consultation at the national and international levels with a view to complying with national and international agreements such as the Agreement on Identity and Rights of Indigenous Peoples and the Beijing Platform for Action.

The bilateral committee is made up of 30 non-governmental organizations which are carrying out programmes for rural women in Chimaltenango, Quetzaltenango, Escuintla, Quiché, Huehuetenango and Mazatenango.

Since 1995, the Ministry of Agriculture and Food, with support from FONAGRO, has carried out production projects with non-reimbursable resources. It has also obtained cooperation for strengthening organizations through training and the coordination of inter-institutional efforts. It has cooperated closely with the bilateral committee, through the National Agricultural Development Council (CONADEA), in executing the committee's programmes.

The bilateral committee set up the Rural Women's Foundation in order to have better access to services and programmes with other governmental and international cooperation institutions. It is currently a member of the Board of Directors of the Rural Development Bank (BANRURAL). The Ministry of Agriculture and Food has coordinated with the rural women's cooperation network of the Food and Agriculture Organization of the United Nations (FAO) in order to work with the programme for the integration of rural women in business production chains, democratization and the social economy, which promotes and support efforts to improve women's living conditions and their integration in rural development in Central America.

By Agreement No. 175-96, the Ministry of Agriculture and Food set up the Consultative Group on Gender, comprising the various institutions and projects in the sector, with the overall aim, in the context of the peace process, of contributing to the development process by promoting the participation of men and women. The Group includes 23 rural women's associations and in 1997 proposed continuing the process of gender-mainstreaming in institutional programmes so that INTA could join in the process and so that services could be provided within a sustainable framework in which there was equity for men and women.

Through these organizations, funding has been obtained for production and handicrafts projects benefiting some 20,000 indigenous women in the country's interior.

The Consultative Group's objectives include strengthening the Ministry of Agriculture and Food in order to contribute to gender-mainstreaming in policy and project formulation; and expanding activities to non-governmental groups, building on actions with a gender approach taken by units in the sector and optimizing resources.

Another measure taken by the Ministry of Agriculture and Food, in recognition of the importance of women's work for economic survival and the importance of unremunerated work, was the creation, by Ministerial Agreement No. 186-96, of a Women's Office as part of the Ministry's technical and administrative structure. The Office promotes coordination and cooperation among and within the institutions of the public agriculture and food sector that carry out programmes and/or activities aimed at rural women. Its purpose is to respond to the demands and needs of working women who use the Ministry's services, in order to contribute to the economic and social development of Guatemala as part of the implementation of the Peace Agreements.

The Office's main functions include:

- Ensuring that women have access to agricultural and environmental development in order to meet their social and economic needs;
- Coordinating with units of the public agriculture and food sector with a view to establishing branches of the Women's Office in each of them;
- Promoting the creation of self-managed projects for women to support Guatemala's development;
- Ensuring that the international human rights instruments ratified by Guatemala and aimed at eradicating violence and discrimination against women are complied with in the public agriculture and food sector;
- Designing an overall project that incorporates women's basic priority needs and defines a project methodology, objectives, justification, actions, advisory services and evaluation process;
- Coordinating development, training and education projects for rural women with other national and international agencies.

The Rural Development Bank is currently implementing the following programmes:

- Sierra de los Cuchumatanes Rural Development Programme (PROCUCHU). The purpose of this programme is to promote peasant women's production activities through a self-managed credit fund which provides loans under contract to selected non-governmental organizations. The programme has US$ 300,000 in available funding and covers the following areas: Chiantla, Todos Santos Cuchumatán, Concepción Huista, San Juan Ixcoy, San Pedro Soloma, Santa Eulalia, San Rafael la Independencia, San Sebastián Coatán and San Miguel Acatán de Huehuetenango.
- Rural Development Project for Small Farmers in the Departments of Zacapa and Chiquimula (PROZACHI). This project supports the activities of rural women who market what they produce. It is being implemented in the departments of Zacapa and Chiqumula in region III, North-East.
- Rural Credit, a general trust fund which operates throughout the country.
- Project for the Integrated Development of Rural Communities (DICOR). The aim of this project is to promote productive activities such as market gardening, raising domestic animals, bee-keeping, growing medicinal plants, dressmaking, breadmaking, handicrafts, nixtamal milling, making piñatas,

rockets and wax candles, and other similar activities. The intention is to purchase raw materials and equipment for women's groups once they have been trained by the project executing unit. The project is being implemented in the departments of Progreso, Quiché, Huehuetenango and San Marcos.

- Trust Fund for Communities in Transition (FICOTRANS). This fund assists foundations, associations, entities and groups of farmers or rural entrepreneurs made up of men and women. It operates in Santa Cruz Barrillas, Huehuetenango.

- Land Trust Fund set up under the Peace Agreements. This fund provides credit to peasant men and women who have little or no land or who face constraints in using their land. It operates throughout the country.

By means of Governmental Agreement No. 356-96 of 6 September 1996, the First Lady's Social Work Secretariat (SOSEP) set up the Programme for the Advancement of Rural Women (PROMUJER), which is supported by the United Nations Children's Fund (UNICEF). It implements activities in the areas of health, education, basic services and income generation. It has departmental coordinating offices and its objectives are the following:

- To help improve the socio-economic situation of rural women and their families;

- To give rural women access to basic social services such as health, education, nutrition, housing and environmental sanitation;

- To train rural women so that they have equitable access to economic resources and modern technology and acquire skills that enable them to generate income for themselves and raise their standard of living;

- To train women so that they can undertake small-scale capital formation for work and investment purposes and even promote rural savings and credit systems, making Guatemala a country of property owners;

- To encourage rural women to organize so that they can participate effectively in self-managed and civic activities;

- To encourage within public sector structures the coordination of activities benefiting rural women, promoting a national policy for the advancement of rural women.

The areas in which PROMUJER provides services are: credit, training and technical support, and support for community organizing. Its beneficiaries are rural Guatemalan women living in poverty or extreme poverty, regardless of age, religion, marital status or ethnicity. The programme currently covers eight of the country's main departments (with a majority indigenous population). There are plans to expand its coverage throughout the national territory.

Women returnees

The Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict defines "uprooted population" as including all persons uprooted for reasons connected with the armed conflict, whether they live within or outside Guatemala, in particular refugees, returnees and internally displaced persons, either

dispersed or in groups, including the Communities of Population in Resistance (CPR).

The Agreement establishes that there can be no comprehensive development of the uprooted population and of resettlement areas without women's participation in consultations and decision-making on plans, programmes and projects deriving from the comprehensive resettlement strategy and promoting the participation of all uprooted population groups. It places special emphasis on female-headed families and widows and orphans as being those most seriously affected. The National Commission for Refugees, Returnees and Displaced Persons (CEAR) acts as facilitator and intermediary between resettled communities and national and international governmental and non-governmental institutions that indicate to the Government their interest in helping implement the Agreement.

Women returnees, considered to be a vulnerable group, have been given priority by the governmental bodies that are implementing projects for returnees in resettlement areas. Currently, a project run by CEAR and the National Peace Fund (FONAPAZ), entitled "Solidarity with displaced persons in the department of Quiché", is being implemented in Quiché, and basically covers the following areas: community organization and technical support for agriculture.

Immediate CEAR actions to eliminate discrimination against women include working to make men share responsibility for family tasks and women share responsibility for community tasks and encouraging activities that will help create a situation in which women are fully valued and respected and have equal opportunities in all areas of life, in which any kind of discrimination, manipulation or violence is eliminated and in which, at the same time, women's specific function in relation to the home and the family is recognized and valued and the qualities that will enable them to perform that function better are fostered.

CEAR is also working to expand the coverage of national programmes for women's comprehensive health care and programmes giving priority to working mothers, helping women balance working outside the home with caring for their families, offering women greater educational opportunities and promoting specific activities to help integrate rural women in the development process.

With regard to women's access to credit in order to buy land, at the time of the negotiations for the return of refugees living in Mexico, a large number of women appeared as representing the family group, in their capacity as head of the family, when title deeds to purchased farms were being issued. At this point, not only have women become farm owners or members of cooperatives which acquire buildings, but they have been granted credits in their own right.

In 1997, CEAR won the Inserso Prize, which is awarded by the Spanish Government to institutions working for the benefit of a specific community. The prize money, equivalent to 45,000 quetzales, was used to set up a scholarship fund for young returnees of both sexes to continue their diversified secondary education.

With regard to housing, since 1997 minimum housing has been provided to both men and women. The document certifying the handover of the housing is signed by the head of family and his spouse as joint recipients. Women's participation in the coordination meetings for the operational planning of returns has been noteworthy and they have been actively involved in taking important decisions aimed at improving the quality of life of their own communities. Such participation

takes place through representatives of the women's organizations Mamá Maquín, Madre Tierra and Ixmucané.

Actions planned by CEAR for 1998, in relation to uprooted women include: promoting coordination among institutions working on women's issues; coordinating activities with the women's organizations of uprooted population groups, maintaining close communication with the Uprooted Women's Coordinating Committee of the Consultative Assembly of Uprooted Population Groups (ACPD), Madre Tierra, Ixmucané, Mamá Maquín, CONAVIGUA and the National Women's Forum; and contributing to the process of building women's organizations so that they have an impact from the local level upon the forums created by the Peace Agreements.

Other planned actions include: promoting comprehensive women's preventive health and treatment programmes and programmes against domestic violence and sexual harassment; promoting self-employment by approaching institutions that could provide soft loans to women small-scale producers and employment training to women; and encouraging women to organize so that they can take part in decision-making at the local, regional and national levels.

The Ministry of Agriculture and Food has designed a project entitled "Sustainable development for rural women and families", which will be executed by the regional branches of the Ministry's Women's Office and is aimed at housewives' organizations in the country's various regions.

The National Peace Fund (FONAPAZ) is carrying out community projects based on the commitments relating to women contained in the Peace Agreements, including the following:

1. Preventive health project: deals with illnesses specific to women.

2. Public laundries project: to facilitate housework in communities.

3. Nixtamal mills project: to maximize the hours devoted to household activities.

To comply with the Peace Agreements, the Government of Guatemala has carried out various activities through FONAPAZ and the Peace Secretariat (SEPAZ), including:

1. Demobilization of the Unidad Revolucionaria Nacional Guatemalteca (URNG), in which impartial assistance was given to the people involved, of whom an estimated 15 per cent were women.

2. Disbanding of the Mobile Military Police, in which vocational guidance and employment training were provided and microenterprises were set up. Of the people disbanded, 39 per cent were women, who received training in beauty care, cooking and sewing, activities which they themselves chose after a process that included guidance, building of self-esteem, literacy teaching and business training.

3. Assistance to the uprooted population, in which 13,048 people, half of them women, from the Communities of Population in Resistance and the Chajúl Land Committee, amounting to a total of 3,165 households, 478 of them headed by women, received help.

Projects with a gender approach executed by FONAPAZ

1. Food programme

FONAPAZ is carrying out this project through its executing unit. The project is based on the new food-for-work approach and has the support of the World Food Programme, involving the monetization of food through its sale prior to or upon arrival in port. The money thus raised is used to create a Food Compensation Fund, and women's committees are set up in each community to manage and administer the funds allocated from it by FONAPAZ for the purchase of local foodstuffs. The core strategy of the project is to:

(a) Promote a discussion with a view to generating local initiatives;

(b) Encourage community self-management with a gender approach;

(c) Encourage community participation in project activities.

The project involves providing local foodstuffs in exchange for days worked on community projects, thereby encouraging agricultural production and local food consumption. Its goal is to teach women to organize and manage themselves so that they can administer their own funds.

2. Programme of support for rural women's production activities

This programme, costing a total of 978,300 quetzales, is being executed by PROMUJER, which implements production projects aimed at rural women. As indicated in the section on activities under the rural women's programme, it includes projects for pig fattening, textile handicrafts, community shops and agricultural supply shops, in which technical and administrative training is provided.

3. Project for compensation and/or assistance to victims of human rights violations

This project forms part of the national programme on this issue to be implemented in fulfilment of the Peace Agreements. Its aim is to provide compensation to the members of the civilian population most severely affected by the armed conflict. Widows and orphans, among others such as disabled and older persons, have been identified as those who suffered most from the conflict and who are living in the most precarious conditions. Although the project, which has a budget of US$ 1.7 million, will benefit this group in general, it has a cross-cutting gender and ethnicity component.

4. Community development for peace

This programme, costing US$ 500,000, seeks to motivate all citizens without exception. It mainstreams a gender perspective throughout and ensures that women participate on an equal footing with men. The meaning of the concept of gender is being disseminated widely in the 16 communities in Huehuetenango and the Ixcán area in which the programme is being executed.

Article 15
Legal status

The Constitution, laws and regulations of Guatemala recognize the right of all inhabitants of the Republic individually or collectively to petition the authorities, and the obligation of the authorities to consider and rule on such petitions in accordance with the law, without discriminating on grounds of sex.

Freedom of access to the courts and other State bodies with a view to bringing actions and invoking rights is also recognized without discrimination, based on the principle of equality of men and women embodied in article 4 of the Constitution.

Under article 8 of the Civil Code, both men and women acquire the capacity to assume rights and obligations when they reach the age of majority, which is 18 years. The relative capacity of minors is recognized in some specific cases, however, such as the capacity of minors aged 14 and over to contract their services and dispose of their wages.

Article 28 of the Constitution establishes the right of petition as follows: "Inhabitants of the Republic have the right individually or collectively to petition the authorities and the authorities have the obligation to consider and rule on such petitions in accordance with the law.

In administrative matters, the deadline for ruling on a petition and notifying the petitioner of the ruling may not exceed 30 days.

In fiscal matters, a taxpayer seeking to challenge an administrative decision in a case for repayment or adjustment of any tax shall not be required to first pay the tax or some form of guarantee."

Article 29. Free access to the courts and State bodies. "Everyone has free access to the courts and to State bodies and offices with a view to bringing actions and invoking rights in accordance with the law.

Aliens may only have recourse to the diplomatic channel in the event of a denial of justice.

The fact that a judgement is contrary to their interests does not mean that it constitutes a denial of justice. In any case, the legal remedies established under Guatemalan law must first have been exhausted."

Despite the foregoing, there are laws and regulations which discriminate against women in their application, because of the context in which they were enacted. Governmental and non-governmental organizations working for the advancement of Guatemalan women have therefore submitted to the Congress of the Republic preliminary bills designed to eliminate such discrimination, such as the proposed amendments to the Civil Code, the Elections and Political Parties Act, the Urban and Rural Development Councils Act, the Act enhancing the dignity of women and the family, the Diplomatic Service Act, the Labour Code, The Act organizing the Guatemalan Social Security Institute and the Penal Code.

Article 16
Measures to eliminate discrimination against women in marriage

Currently, family rights in Guatemala are regulated by the Civil Code contained in Decree-Law No. 106. To ensure the exercise of the rights embodied in the Code, there is the Act establishing the family courts, which have exclusive jurisdiction in matters of protection. Family law is supplemented by provisions of the Code of Civil and Commercial Procedure. There is also the Act regulating the notarial processing of matters of voluntary jurisdiction, which regulates procedures related to family law.

Right to enter into marriage

Under article 8 of Guatemala's Civil Code, capacity is the ability to assume rights and obligations: "Capacity to exercise civil rights is acquired upon reaching the age of majority, which is 18 years. Minors aged 14 and over have capacity for some acts determined by law."

Article 81. Capacity to enter into marriage: "Persons who have reached the age of majority are free to enter into marriage. However, boys aged 16 or over and girls aged 14 or over may enter into marriage, subject to receiving authorization as stipulated in the following articles."

Article 82. "Authorization must be given jointly by the father and the mother or by the parent who has parental authority.

In the case of an adopted minor, the adoptive father or mother shall give authorization. If there are no parents, authorization shall be given by the guardian."

An amendment to article 81 of the Civil Code has been proposed which would make the age the same for boys and girls, so that on reaching 16 years of age, boys and girls would have the same rights. The proposal is based on studies carried out by UNICEF, the Pan-American Health Organization/World Health Organization (PAHO/WHO) and the Ministry of Health and Social Welfare aimed at eliminating sexist stereotypes and patriarchal biases which limit development opportunities between men and women.

Free choice of a spouse

Guatemalan law recognizes the freedom of action of the individual, irrespective of sex, race, religion or social class, stating that all persons are entitled to do whatever the law does not prohibit. As a result, Guatemalans are free to choose the person with whom they wish to live permanently.

Rights and responsibilities during marriage and at its dissolution

Since the family is the nucleus of Guatemalan society, article 47 of the Constitution, on protection of the family, establishes that: "The State guarantees the social, economic and legal protection of the family. It shall promote its organization

on the legal basis of marriage, equal rights of the spouses, responsible parenthood and the right of persons to decide freely on the number and spacing of their children."

The Civil Code regulates the rights and obligations deriving from marriage. Governmental and non-governmental organizations working on women's issues have found that some of its articles discriminate against women. Accordingly, the ONAM Women and Legal Reforms project submitted to the Congressional Committee on Women, Children and the Family preliminary draft amendments to the articles of the Civil Code that discriminate against women or violate their human rights, and the Congressional Human Rights Committee presented a legislative proposal for amending those articles. The amendments concern the following:

- The right of a married woman to add her husband's family name to her own and to keep it unless the marriage is dissolved for some reason. ONAM has submitted a bill amending article 108 of the Civil Code which, as currently drafted, causes wives to be dependent, undervalued and discriminated against by treating them as their husband's property. The amendment to article 108 reads: "Family name of a married woman. In no case shall marriage compel a woman to lose her family name or to use that of her husband."

- Representation of married couples was regulated by article 109 of the Civil Code, which read: "The husband shall represent the married couple but both spouses shall have equal authority and receive the same consideration within the home; they shall choose their place of residence by mutual agreement and shall settle all matters relating to the upbringing and establishment of the children and to the family finances."

It was proposed that this article should be amended to reflect the necessary equity between men and women, since men and women's rights and obligations must be the same with regard to both representation and the upbringing of children.

The amended text of the article, which was adopted by Decree No. 80-98 of 19 November 1998 and is awaiting approval by the executive branch, reads: "Article 109. Representation of the married couple. Both spouses have the same right to represent the married couple and shall have equal authority and receive the same consideration within the home. They shall choose their place of residence by mutual agreement and shall settle all matters relating to the upbringing and establishment of the children and to the family finances.

In the event of disagreement between the spouses as to who should represent the married couple, the family court judge shall determine which spouse is to do so."

With regard to protection of the wife, article 110 of the Civil Code used to read: "Protection of the wife. The husband must protect and assist his wife and must provide her with everything that is needed for the upkeep of the household according to his economic possibilities.

The wife has the right and the obligation, in particular, to care for her minor children and to supervise the housework."

The draft amendments to the Civil Code proposed that the title of the article should be "Protection of the family" and that the division of responsibilities within the home should be changed to make the spouses share them.

As amended by Decree No. 80-98, the article now reads: "Both spouses have the obligation to care for their minor children."

On the wife's obligation with regard to the upkeep of the household, article 111 of the Civil Code used to read: "The wife shall also contribute equitably to the upkeep of the household if she has her own property or has a job, profession, occupation or trade; however, if the husband is incapacitated for work and has no property of his own, the wife shall cover all expenditures with her own income."

Article 111 as modified by the draft amendments to the Civil Code would make both spouses share responsibility for the upkeep of the household and would treat housework as a contribution to such upkeep. As of the date of drafting this report, the article had not been amended.

With regard to the wife's rights to the husband's income, article 112 of the Civil Code reads: "The wife shall always have a preferential right to the husband's salary, wage or income, in the quantities required to support herself and her minor children.

The husband shall have the same right in cases where the wife has the obligation to cover all or part of the family's expenditures."

Article 113 of the Civil Code reads: "Wife employed outside the home. The wife may perform a job or engage in a profession, industry, occupation or trade, as long as this is not prejudicial to the interests and care of the children and to her other household responsibilities."

Article 114 of the Civil Code used to read: "The husband may oppose the wife's engaging in activities outside the home, as long as he provides her with whatever is needed for the upkeep of the household and there are justified reasons for his opposition. The judge shall rule outright as to what is appropriate."

This article was repealed by Congressional Decree No. 80-98.

Article 115 used to read: "Representation by the wife. The wife shall exercise legal representation if the husband ceases to do so for any reason and especially in the following cases: 1. If the husband is legally barred from doing so; 2. If the husband abandons the home voluntarily or is legally presumed dead; and 3. If the husband is sentenced to a term of imprisonment and for the duration of that term."

The preliminary draft amendments submitted by the ONAM Women and legal Reforms projects to the Congressional Committee on Women, Children and the Family proposed that the foregoing article should be repealed in order to eliminate patriarchal authority over the wife, in keeping with the Convention on the Elimination of All Forms of Discrimination against Women and with ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation and based on article 4 of the Constitution.

The article was amended by Decree No. 86-98 as follows: "In the event of disagreement between the spouses as to who should represent the married couple, the family court judge, taking into account the conduct of each member of the couple both within and outside the home, shall determine which spouse is to exercise representation and for how long and what conditions the other spouse must fulfil in order to be able to exercise it again.

In any event, the household shall be administered individually, without any need for a judicial ruling to that effect, in the following cases:

- If one or other spouse is legally barred from doing so;
- If one or other spouse abandons the home voluntarily or is legally presumed dead;
- If one or other spouse is sentenced to a term of imprisonment and for the duration of that term."

With regard to the administration of the marital property, the Civil Code establishes the following:

Article 116. Marriage settlements. "The economic regime governing the marriage shall be that specified in the marriage settlements concluded by the spouses before or during the celebration of the marriage."

"Article 121. Marriage settlements must include: 1. A detailed description of the property owned by each of the spouses at the time of entering into marriage; 2. A statement of the debts owed by each spouse; 3. An express declaration by the spouses as to whether they are adopting the regime of absolute community of property, that of separation of acquisitions or such other procedures and conditions as they may choose for the administration of the marital property."

Article 122. Absolute community of property. "Under the regime of absolute community, all the property brought by the spouses to the marriage or acquired during it forms part of the marital property and shall be divided equally between them in the event of dissolution of the marriage."

Article 123. Absolute separation of property. "Under the regime of absolute separation, each spouse retains ownership and control of the property belonging to him/her and remains exclusive owner of the proceeds and acquisitions resulting therefrom.

Each spouse shall also retain ownership of any wages, salaries, emoluments or earnings obtained by providing personal services or engaging in trade or industry."

Article 124. Community of acquisitions. "Under the regime of community of acquisitions, the husband and the wife retain ownership of such property as they had upon entering into marriage and of such property as they acquire during marriage either without paying for it or by paying equal amounts, but the following shall be divided equally between them in the event of dissolution of the marital property: 1. The proceeds of the property owned by each of the spouses, after deduction of the corresponding production, repair and maintenance costs and taxes and municipal charges; 2. Property purchased with or exchanged for such proceeds, even if it was purchased in the name of only one of the spouses; 3. Property acquired by each spouse through his/her work, job, profession or industry."

Article 125. Alteration of marriage settlements. "The spouses have an inalienable right, during the marriage, to alter the marriage settlements and adopt another economic regime for the marital property.

The alteration of marriage settlements must be effected by means of a public deed which shall be recorded in the corresponding register; the alteration shall have a prejudicial effect on third parties only from the date on which it is recorded."

Article 126. Subsidiary regime. "In the absence of property settlements, the marriage shall be understood to have been entered into under the regime of community of acquisitions."

Article 127. Property of each spouse. "Notwithstanding the provisions of the preceding articles, the following shall be considered the personal property of each spouse: property acquired by inheritance, gift or otherwise without payment; and accident compensation or personal injury or sickness insurance payments, after deduction of the premiums paid during the community property regime."

With regard to the administration of the family property, article 131 of the Civil Code used to stipulate: "Administration. The husband is the administrator of the marital property under the regime of absolute community or that of community of acquisitions, although his powers may not exceed the limits of normal administration. In order to be valid, the disposal or encumbrance of the community's immovable property must have the consent of both spouses."

As amended by Decree No. 80-98, the article now reads: "Under the regime of absolute community or that of community of acquisitions, both spouses shall administer the marital property, either jointly or separately. In order to be valid, the disposal or encumbrance of the community's immovable property must have the consent of both spouses."

Article 132 of the Civil Code used to read: "Opposition of the wife. The wife may oppose any act by the husband that would prejudice the administered interests; she may also have his administration terminated and request separation of property if his blatant negligence, incompetence or imprudent administration threatens to ruin the common property or does not provide adequate support for the family. In both cases, the judge of first instance, after a detailed examination of the facts, shall rule on what is appropriate."

Congressional Decree No. 80-98 amended article 132 to read as follows: "Opposition. Either spouse may oppose the other spouse's taking actions that prejudice, or may prejudice, the marital property.

Either spouse may also request the judge to terminate the other's administration and to change the marital economic regime to that of separation of property if the other spouse acts negligently, incompetently or imprudently in administering the marital property, thereby jeopardizing the property or the provision of adequate support for the family.

In order to be valid, the disposal or encumbrance of the community's immovable property must have the consent of both spouses."

The proposal to prevent the husband from having the exclusive right to dispose of or encumber the marital property was designed to ensure that both parties share in the administration of that property. Decree No. 80-98 repealed article 133 regulating the administration of property by the wife in cases where it is not administered by the husband.

Article 141. "Unjustified abandonment of the marital home by one of the spouses shall terminate for that spouse, as from the date of such abandonment, the effects of the community property regime that are favourable to him/her."

In the draft preliminary amendments to the Civil Code, this article is expanded to include the obligation to report the abandonment to the competent judge and to notify the other party. This means that if one party is forced to leave the marital home for reasons not attributable to him/her, he or she will be able to request a family court judge to draw up a document stating the reasons which prompted the decision to leave, thereby ensuring that the effects of the community property regime that are favourable to him/her are not terminated.

With regard to the articles on separation and dissolution of marriage, the following regulations and amendments have been proposed:

- Add "domestic violence" to the grounds listed in article 155 for seeking a separation or divorce;
- Among the various effects specific to separation, other than continuation of the marriage, repeal paragraph 2 of article 60 giving the wife the right to continue using her husband's family name;
- With regard to article 169 of the Civil Code regulating a wife's right to alimony, eliminate the part which reads: "the wife shall be entitled to alimony as long as she conducts herself properly", since a judicial official's notion of what constitutes proper or improper conduct is bound to be highly subjective;
- Amend article 171 regulating the disposal of the marital property by adding a reference to the interests of the children as well as the spouses, so that children are not deprived of the stability that comes from having the necessary financial resources for their development.

De facto unions

Guatemalan legislation recognizes the institution of de facto union, that is, the stable, free and exclusive union, for a period of time determined by law, of a man and a woman who have lived together openly and continuously for the same purposes and with the same effects as if they were married.

Article 48 of the Constitution and articles 173 to 189 of the Civil Code regulate de facto unions, which may be formalized voluntarily before the local mayor, a notary or a family court judge and are dissolved in the same way as a marriage. Since there is also discrimination against women in such unions, the Women and Legal Reforms project has also proposed amendments to those articles:

- Article 173. When to declare a de facto union. "The de facto union of a man and a woman who have the capacity to enter into marriage may be declared by them to the local mayor or a notary so that it produces legal effects, provided that there is a home and they have lived together continuously for over three years with the knowledge of their families, friends and acquaintances, fulfilling the purposes of procreation, support and rearing of children and mutual assistance."

The proposed amendment would change the period of time that must elapse before declaring a de facto union. A discretionary period of two years is proposed for establishing that the man and the woman wish to live together permanently.

Article 174. How to make the declaration. "The declaration referred to in the preceding article shall be recorded in a document drawn up by the mayor, or in a public deed or notarized document if a notary is used.

Once they have been legally identified, the man and the women shall declare under oath their first and last names, their date and place of birth, their domicile and place of residence, their profession or occupation, the date on which the de facto union commenced, the children of the union and their names and ages, and the property acquired during the period that they have lived together."

The Civil Code stipulates that within the two weeks following the declaration, the officials concerned must inform the Civil Registry Office so that the recording of the union produces the effects of marriage. As long as the union remains in effect, the consent of both parties is required for the disposal of the common property.

Unions involving minors may be declared only with the consent of the parents or guardian or, where appropriate, the authorization of a judge. De facto unions may also be legalized by application of one of the parties to a competent judge, either by objection or post mortem, in which case certification of the ruling must be recorded in the Civil and Property Register.

Rights and responsibilities with regard to guardianship, curatorship, custody and adoption of children

The Civil Code provisions in this regard are as follows:

Article 190. Types of kinship. "The law recognizes kinship by blood to the fourth degree, kinship by affinity to the second degree and civil kinship by adoption, which exists only between the adopter and the adoptee. Spouses are kin but do not form a degree."

Article 209. Equality of rights of children. "Children born out of wedlock have the same rights as children born within wedlock; however, the express consent of the other spouse is required for them to live in the marital home."

Article 216. Recognition by grandparents. "In the event of death or incapacity of the father or mother, a child may be recognized by the paternal or maternal grandfather, respectively.

If the incapacitated parent recovers, he or she may contest the recognition within one year from the date on which he or she learns of it."

An amendment has been proposed to this article allowing grandmothers or grandfathers to recognize grandchildren and dispensing with any order of preference so as not to discriminate against maternal grandmothers and grandfathers; a reference to the best interests of the child is also included, in keeping with article 3 of the Convention on the Rights of the Child.

Article 219. Rights of a woman who has cared for a child. "A woman who has cared for a child as if he/she were her own and who has provided for the child's subsistence and upbringing has a right not to have the child taken away from her if a man recognizes the child as his own. However, if she is compelled by a judicial ruling to hand over the child, the father who is seeking to take the child must first repay the amount spent on the child's upkeep."

It has been proposed that this article should be amended to ensure that the best interests of the child are protected, based on reports by social workers or experts in this field, so that children are not separated from the person who has protected them, in keeping with the Convention on the Rights of the Child.

Articles 228 to 251 of the Civil Code regulate the institution of adoption. Article 228 defines the concept: "Adoption is the legal act of social welfare whereby the adopter takes as his/her own child the minor child of another person.

Notwithstanding the provisions of the foregoing paragraph, the adoption of an adult may be legalized with his/her express consent if a de facto adoption existed while he/she was a child."

Women and men, either separately or jointly, may adopt a child; the rights and obligations arising from adoption do not extend to the relatives of the adopter or the adoptee, but the adoptive children have the same rights as the natural children and the same obligations to the parents. The adopter has parental authority over the adoptee and the latter is entitled to use the former's family name.

With regard to parental authority, the Civil Code stipulates the following:

Article 252. Within or outside marriage. "Within a marriage or de facto union, the father and the mother have joint parental authority over the minor children; in all other circumstances, the custodial parent has parental authority."

Article 253 of the Civil Code used to read: "Obligations of both parents. The father and the mother have the obligation to care for and sustain their children, whether born in or out of wedlock, and to raise and correct them, using prudent means of discipline, and shall be held criminally responsible if they abandon them morally or materially and cease to fulfil the duties inherent in their parental authority."

The preliminary draft amendments to the Civil Code submitted by the ONAM Women and Legal Reforms project proposed expanding this article to include the meaning of responsible parenthood in all its aspects, not just that of providing sustenance but also that of inculcating self-discipline in order to foster children's decision-making capacities, critical faculties and sense of responsibility, raising them to participate equitably in housework and family decision-making and also to take part in the community, political, cultural, economic and social life of the country.

The article was amended by Decree No. 80-98 to read: "When, during a marriage or de facto union, the father and the mother exercise joint parental authority, they shall also represent the minor children or incapacitated persons and administer their property, either jointly or separately, except in the cases listed in article 115 or in the event of separation or divorce, in which case the parent who has guardianship of the minors or incapacitated persons shall represent them and administer their property."

Article 254. Representation of minors or incapacitated persons. "Parental authority includes the right to legally represent minors or incapacitated persons in all civil acts, to administer their property and to use their services in a manner appropriate to their age and status".

Article 255. "When the mother and the father exercise parental authority jointly during a marriage or de facto union, the father shall represent the minor children and incapacitated persons and administer their property."

It has been proposed that this article should be amended to give both parents, jointly or without distinction, the authority to represent the minor children and incapacitated persons and to administer their property.

Article 256. Conflict between the father and the mother. "In all cases where there is a conflict of rights and interests between the father and the mother in exercising parental authority, the corresponding judicial authority must decide what is best for the well-being of the child."

Article 257. Parents who are minors. "If the parents are minors, the person who has parental authority or guardianship over the father shall administer the property of the children."

The proposed amendments to the Civil Code include adding to article 257 the requirement that either the person who has parental authority or guardianship or the paternal or maternal grandparents, without preference based on family branch or sex, must consult minors concerning the administration of their property. In the event of a dispute, the issue must be decided by a judge.

The Civil Code regulates the institution of guardianship as follows:

Article 293. Cases where guardianship is required. "A minor who is not subject to parental authority shall be subject to guardianship for the care of his/her person and property. A person who has been declared legally incompetent shall also be subject to guardianship if he/she has no parents, even if he/she is not a minor."

Article 299. Legitimate guardianship. "Legitimate guardianship of minors may be exercised by the following, in order of priority: 1. The paternal grandfather; 2. The maternal grandfather; 3. The paternal grandmother; 4. The maternal grandmother; and 5. Brothers or sisters, without distinction on grounds of sex, giving preference to those descended from both family lines and, among these, to whomever is oldest and best able to do so.

The maternal line shall be preferred to the paternal line for the guardianship of children born out of wedlock. However, if there are justified reasons for changing the order of preference, a judge may appoint as guardian the relative who is best known to the child, most suitable, best prepared and in the best financial position, as this constitutes a guarantee of satisfactory guardianship."

The amendment proposed to this article would eliminate any discrimination among the paternal or maternal grandparents on grounds of sex in awarding legitimate guardianship.

The various grounds for exercising guardianship set forth in article 317 include those put forward by women; this means that women who have every right to exercise guardianship are able to do so and that there is no discrimination against women in this regard.

Betrothal

Under the Guatemalan Civil Code, betrothal does not create an obligation to enter into marriage; however, it does create the entitlement to demand the return of gifts made as a pledge of a marriage that did not take place.